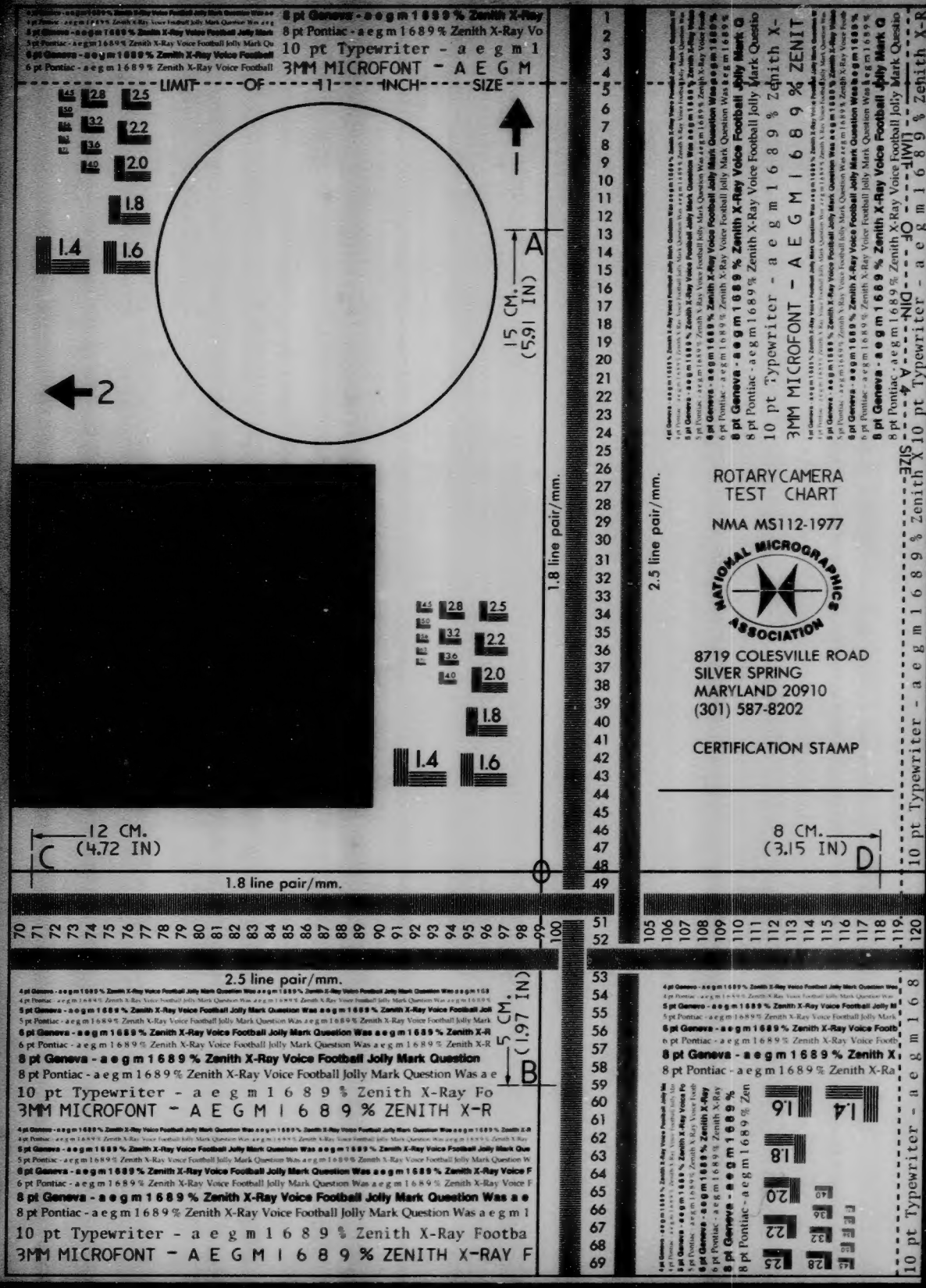
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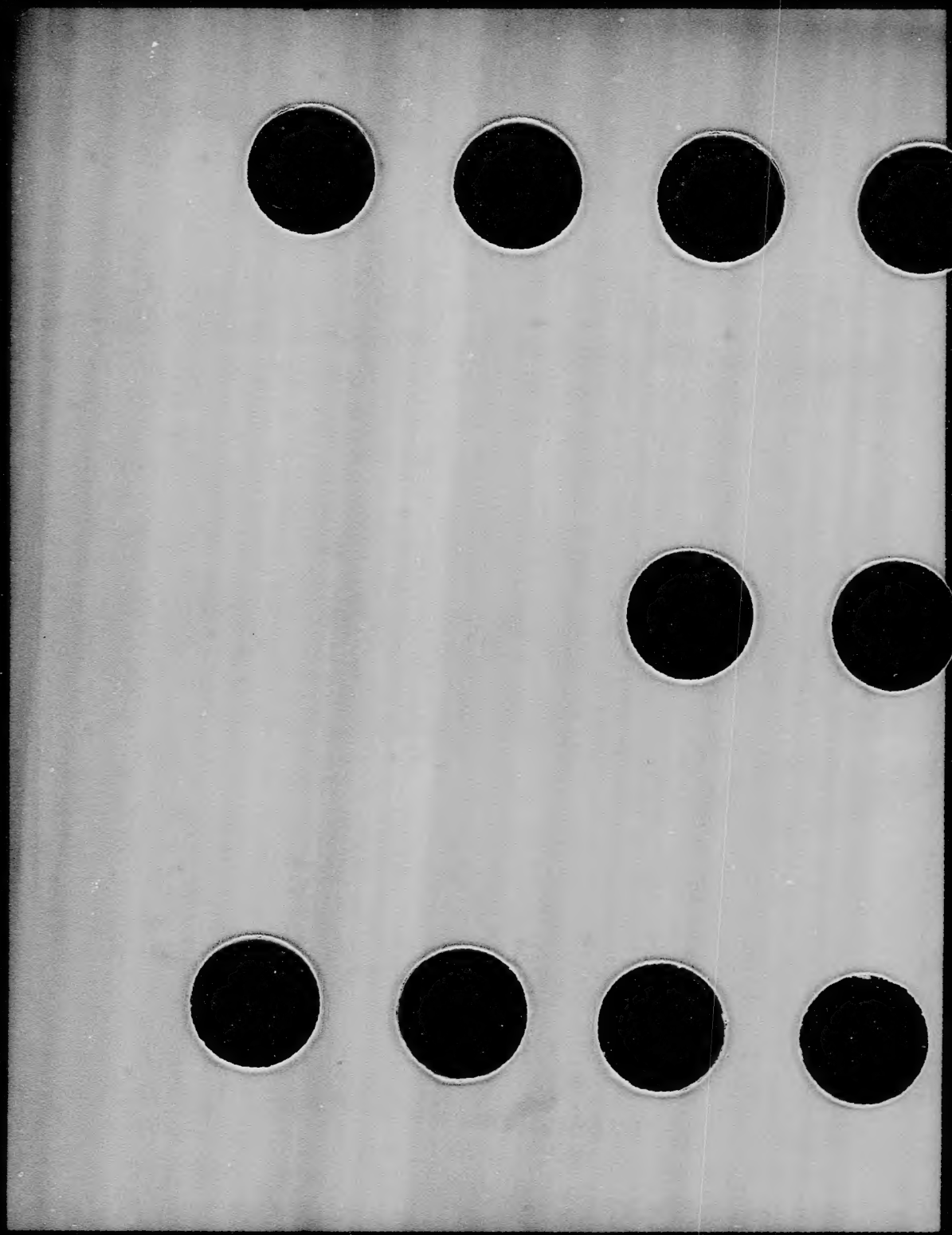

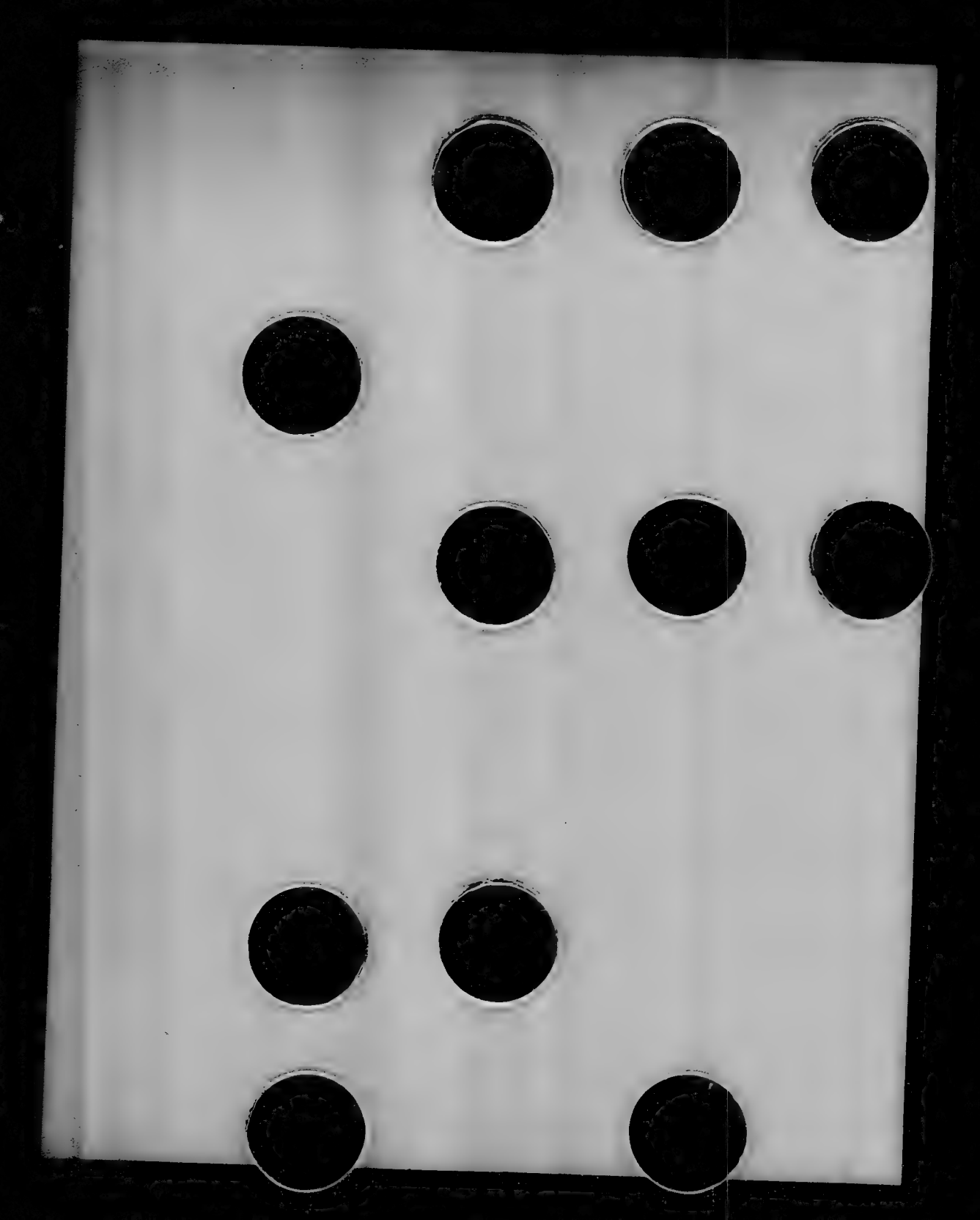

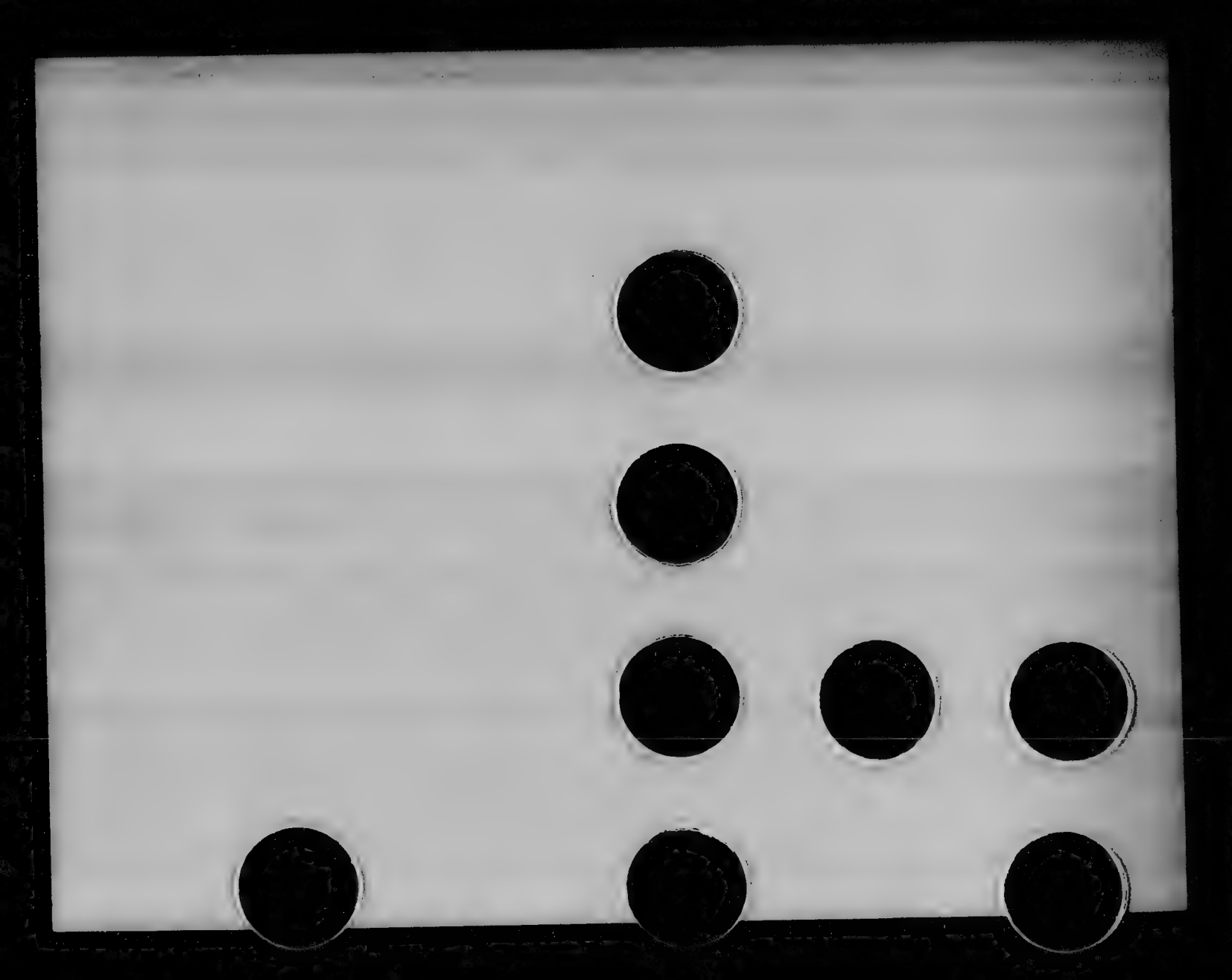

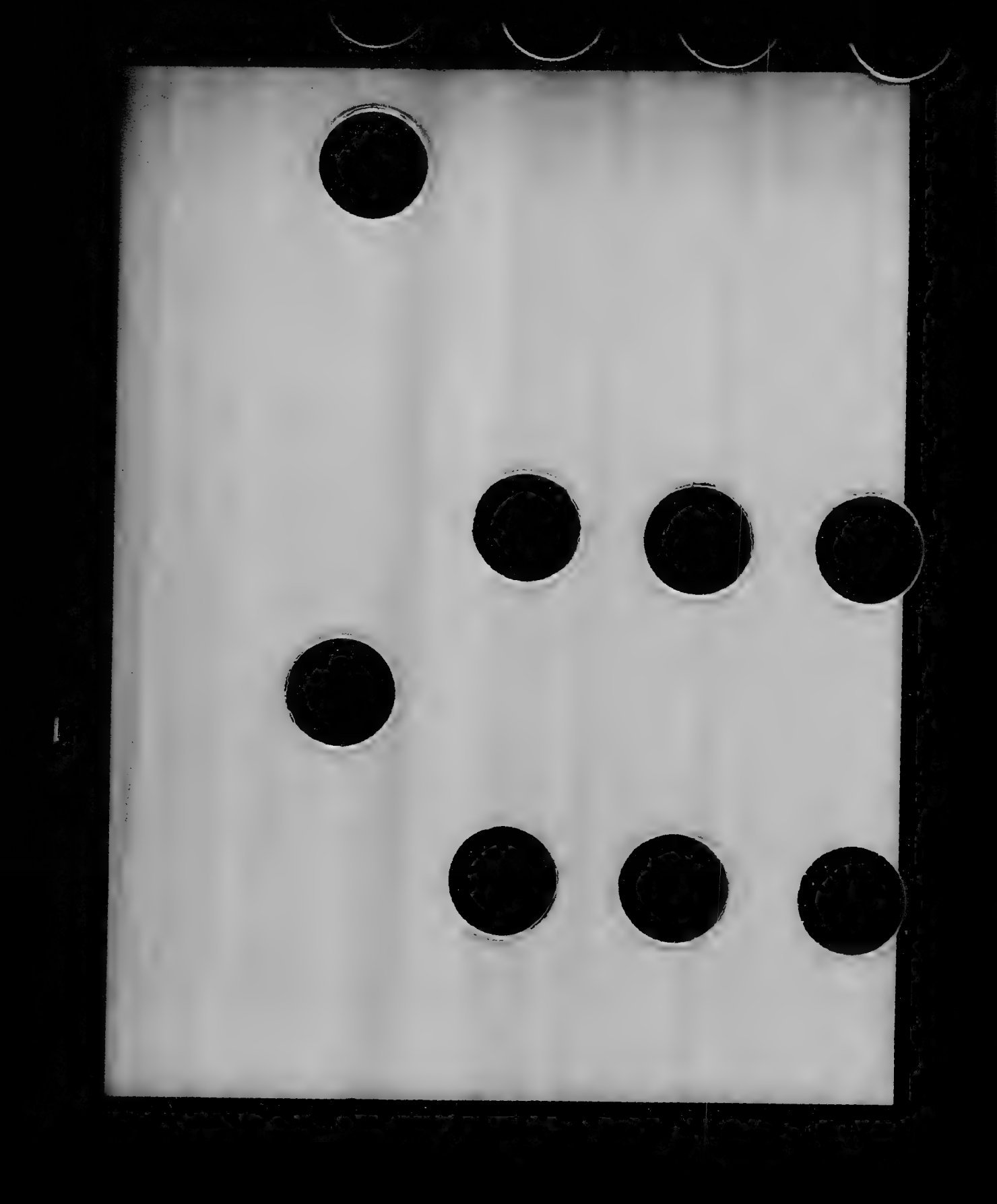

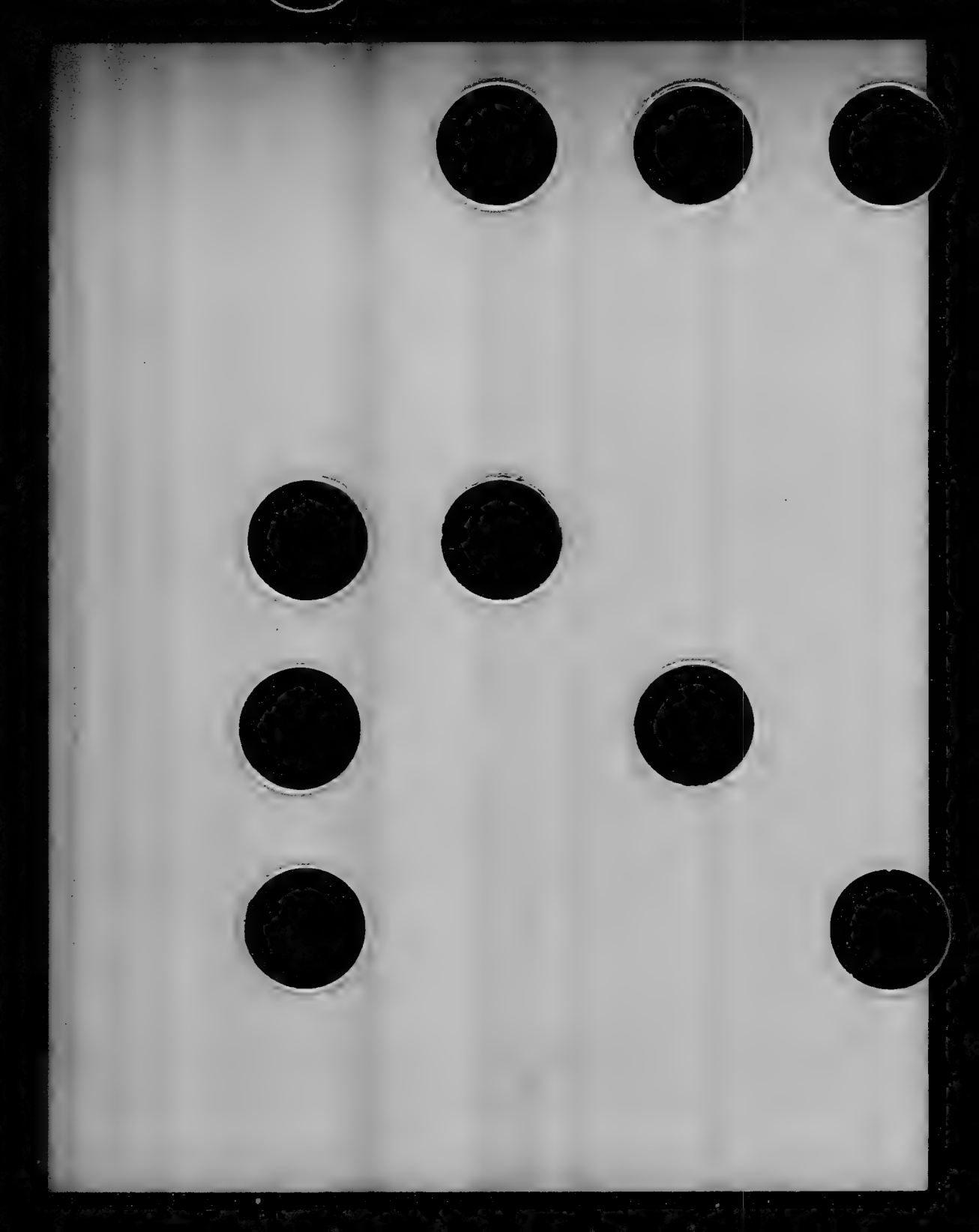

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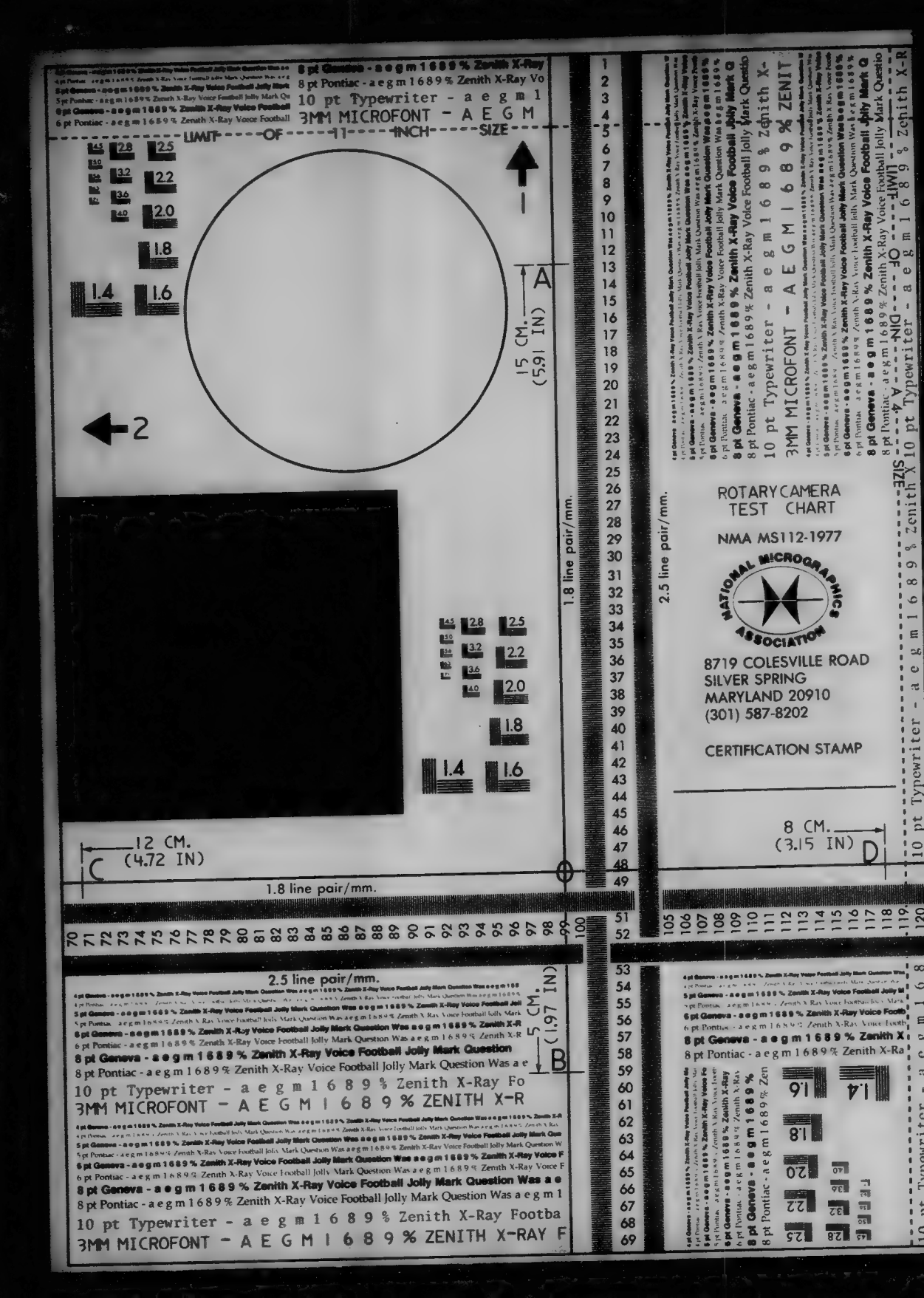
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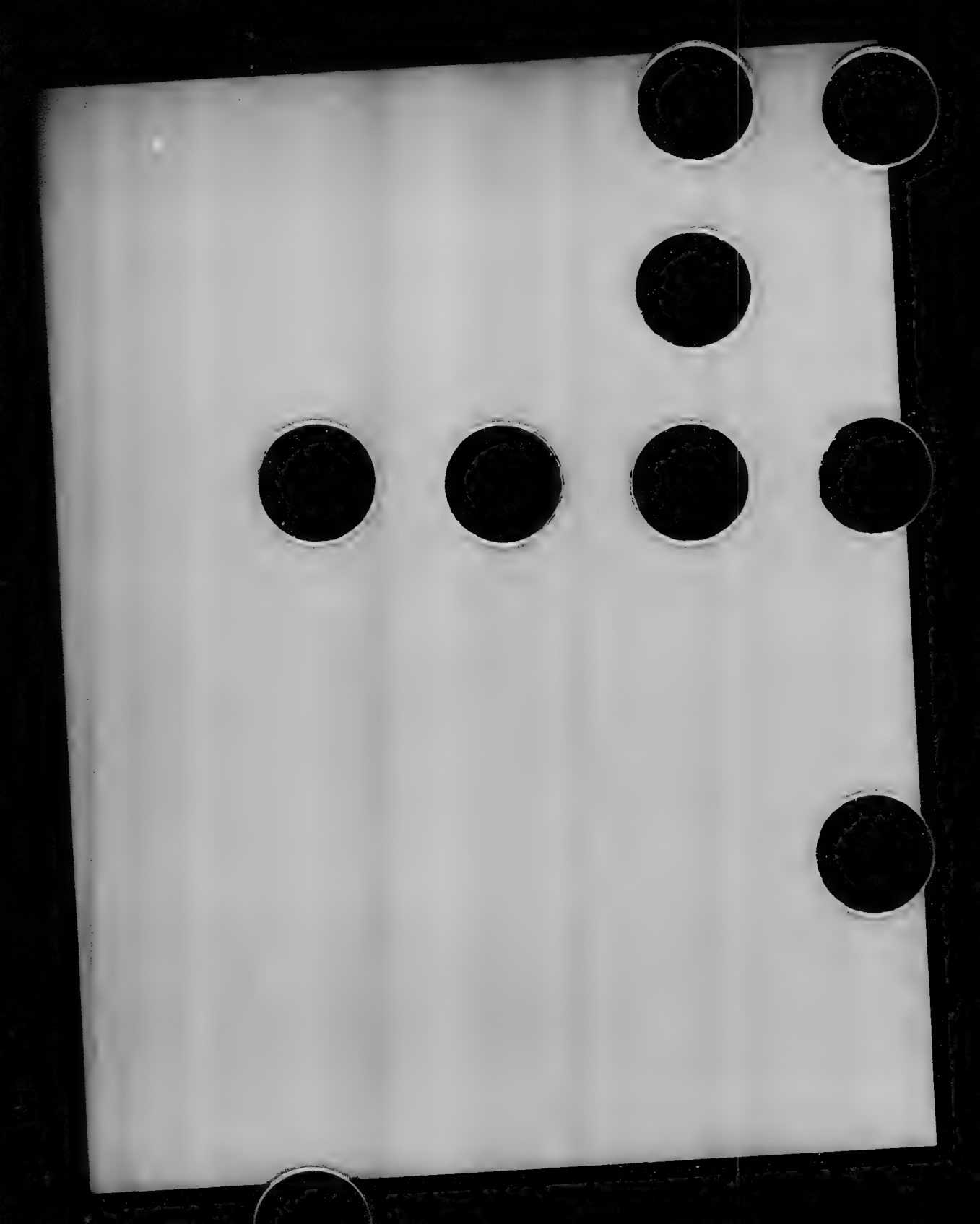

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CITY OF ASHEVILLE

CITY COUNCIL MINUTES

SCHEDULE REFERENCE

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RESOLUTION NO. 70-16

JUDGE SAM CATHEY

WHEREAS, Sam Cathey died on February 12, 1970, after having served as the Judge of the Asheville City Police Court for 39 years; and

WHEREAS, Sam Cathey, overcoming a misfortune during his early years which would have discouraged many men of less stature, ventured on through life to become a pioneer in the service of the rehabilitation of the visually handicapped a service to which his accomplishments became known and recognized throughout the Nation; and

WHEREAS, Sam Cathey was a recipient of the Shotwell Memorial Award and the President's Award, distinguishing himself as a Civic Leader, attorney, City Solicitor and, for the past39 years, a respected jurist; and

WHEREAS, Sam Cathey was loved and respected as a member of his Community and as a citizen of the City of Asheville and the State of North Carolina, achieving the admiration of all those who knew him; and

WHEREAS, the Asheville Community has lost an outstanding citizen and loyal friend and deeply mourns the loss of its faithful servant.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

That the name of Sam Cathey be remembered and honored by the citizens of the City of Asheville whom he served faithfully with distinction and honor,

BE IT FURTHER RESOLVED that a copy of this resolution be incorporated as a part of the record of the proceedings of this Council and that a duplicate copy be transmitted by the Mayor of this City to the widow and family of Judge Sam Cathey.

I move the adoption of the foregoing resolution.

Ruben J. Dailey
COUNCILMAN

SECONDED BY: Luke Atkinson
COUNCILMAN

Read, approved and adopted, this 19 day of February, 1970.

Wayne S. Montgomery
MAYOR

APPROVED AS TO FORM:

J. N. Golding
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

ROOF SIGN - Mill End Carpet Outlet - PERMIT REQUESTED

6. Consideration of an application for a permit for a roof sign to be erected for identification for the Mill End Carpet Outlet, which is within 200 feet of the Crosstown Expressway at 45 Merrimon Avenue.

Regular Meeting — Thursday, February 19, 1970 - 3:00 o'clock P. M.

Present: Wayne S. Montgomery, Mayor, presiding; Councilmen Robert P. Crouch, Henry E. Colton, Mrs. Barbara C. Keleher, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

Absent: Councilman Webster Anderson

1. Approval of the minutes of meeting of February 12, 1970.

The minutes were approved as submitted.

ORDINANCE No. 654 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. Second reading of Ordinance #654 to rezone property of Avon Investment Co., Mary J. Poole and L. O. Huckaby, Inc. off Merrimon Avenue from RA-6 Residential District to Neighborhood Trading Area.

Said ordinance was unanimously passed on its second reading.

ORDINANCE NO. 655 - AN ORDINANCE AMENDING SECTION 28-63 OF THE CODE OF THE CITY OF ASHEVILLE

3. Second reading of Ordinance #655 amending Section 28-63 of the Code of the City of Asheville clarifying the language used to designate action at signalized intersections.

Said ordinance was unanimously passed on its second reading.

ORDINANCE NO. 656 - AN ORDINANCE AMENDING SECTION 28-64 OF THE CODE OF THE CITY OF ASHEVILLE

4. Second reading of Ordinance #656 amending section 28-64 of the Code of the City of Asheville to clarify vehicular procedures at intersections which have flashing lights.

Said ordinance was unanimously passed on its second reading.

JUDGE SAM CATHEY - RESOLUTION COMMEMORATING

5. Presentation of a resolution to honor the late Judge of the Police Court, the Honorable Sam Cathey.

Councilman Dailey read R solution No. 70-16, which was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 429.

	Southeastern Safety Supplies, Inc.	Basic Electric Co.	M. B. Haynes Electric Co.
Total Bid	$49,615.20	$50,875.10	$54,892.53

Councilman Crouch moved that the bid be awarded to Southeastern Safety Supplies, Inc. for the sum of $49,615.20, and that the City Manager be authorized to expend up to $4,615.20 for said equipment, which motion was seconded by Councilman Colton and unanimously adopted.

JUDGE OF POLICE COURT - APPOINTMENT OF LOREN D. PACKER

The City Manager read a resolution appointing Loren D. Packer as Judge of the Asheville City Police Court.

Resolution No. 70-18 was, upon motion of Councilman Keleher, seconded by Councilman Colton, unanimously adopted.

The oath of office was administered to Loren D. Packer by Mayor Wayne Montgomery.

Complete text of resolution will be found in Resolution Book #5 at page 431.

POLICE COURT - SUBSTITUTE JUDGE

The City Manager read a resolution appointing James T. Rusher as Substitute Judge of the Asheville City Police Court.

Councilman Dailey nominated Robert L. Harrell as Substitute Judge of the Police Court, which motion was seconded by Councilman Crouch.

Councilman Colton nominated Narvel J. Crawford as Substitute Judge of the Police Court, which motion was seconded by Councilman Crouch.

Following a discussion a vote was taken on Councilman Colton's motion and the result was a tie, with Councilmen Crouch, Colton and Dailey voting in favor of the said motion, and Councilmen Keleher, Atkinson and Mayor Montgomery voting against said motion.

Following a further discussion a vote was taken on Councilman Dailey's motion and the result was a tie, with Councilmen Crouch, Colton and Dailey voting in favor of the motion, and Councilmen Keleher, Atkinson and Mayor Montgomery voting against said motion.

A vote was then taken on Resolution No. 70-19 and the result was a tie, with Councilmen Keleher, Atkinson and Mayor Montgomery voting in favor of the resolution and Councilmen Dailey, Colton and Crouch voting against the resolution.

ASTON PARK HOSPITAL - REQUEST FOR ENDORSEMENT

Councilman Atkinson discussed Aston Park Hospital's plan to build a 120 bed hospital on Rhododendron Park and requested endorsement of the City Council.

Following a discussion, Councilman Crouch moved that a rendering of said sign be furnished by the applicant, and that this matter be referred to the Planning Staff for study and recommendation, which motion was seconded by Councilman Keleher and unanimously adopted.

CORPORATE LIMITS - ANNEXATION REQUESTED - Dwellings, Ltd.

7. Consideration of a letter from Mr. Peter H. Feistmann, President of Dwellings, Ltd. requesting the annexation of certain properties lying immediately south of Wyatt Street and east of Brooklyn Road.

The City Manager explained that the procedure would be to refer this matter to the Planning and Zoning Commission for study and recommendation, but in the interest of time the advertisement for a public hearing could be started, with the date of the public hearing set for a time after the recommendation of the Planning and Zoning Commission had been received.

Councilman Colton moved that the advertisement be started, at petitioner's expense, the public hearing to take place at such time after the Planning and Zoning Commission has had time to render its recommendation, which motion was seconded by Councilman Keleher and unanimously adopted.

SUPERIOR PERFORMANCE AWARD - PROCEDURE

8. Consideration of a resolution establishing a Superior Performance Award to recognize and award any outstanding service to the City of Asheville.

Resolution No. 70-1/ was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 430.

CLAIM FOR DAMAGES - Martha Black Hoyle

9. Consideration of a claim for damages against the City of Asheville presented by Martha Black Hoyle alleging injury and damage resulting from the alleged negligence of the City of Asheville.

Said claim for damages was presented, and, upon motion of Councilman Crouch, seconded by Councilman Dailey, said claim was referred to the Corporation Counsel for investigation.

BIDS - TRAFFIC SIGNAL EQUIPMENT AND INSTALLATION

10. Consideration of bids received January 16, 1970 for traffic signal equipment and installation at various intersections of the city.

The City Manager advised that after due advertisement said bids had been received; that the State Highway Commission, which would pay $45,000 of the cost of said equipment, had recommended awarding to the low bidder; and that he also recommended awarding to the low bidder and authorizing an expenditure of up to $4,615.20 of said cost.

ORDINANCE NO. 657 - AN ORDINANCE AMENDING ORDINANCE # 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. Public hearing on the zoning of the property of newly annexed land of Robinson Ridge Subdivision to RA-5 Residential District; the zoning of the property owned by Pettigrew, Bryant and Oast immediately west of the intersection of Mimosa Avenue and Sweeten Creek Road to Industrial District; and the rezoning of the property of the Imperial Land Corporation which lies between the old City Limit boundary and the property of Pettigrew, Bryant and Oast, from Industrial to RA-5 Residential District.

The City Manager advised that today is the date set for the public hearing after due advertisement, and the Mayor opened the public hearing at 3:14.

Following a discussion the public hearing was closed at 3:17.

Ordinance No. 657, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously passed on its first reading.

FIRE DEPARTMENT - REQUEST

Lt. James Shroat again appeared before the Council to ask if any decision had been reached in regard to salary increases, longevity, and lost days previously presented.

The City Manager advised he had not yet had an opportunity to analyze the report of the North Carolina League of Municipalities, and the Mayor stated the city will do everything it can for the firemen but because of old debts the city's financial structure may not permit bringing Asheville salaries and benefits up to equality with such cities as Raleigh.

ORDINANCE NO. 654 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE'. AS AMENDED

3. Third reading of Ordinance #654 to rezone property of Avon Investment Co., Mary J. Poole and L. O. Huckaby, Inc. off Merrimon Avenue from RA-6 Residential District to Neighborhood Trading Area.

Said ordinance was unanimously passed on its third and final reading.

ORDINANCE NO. 655 - AN ORDINANCE AMENDING SECTION 28-63 OF THE CODE OF THE CITY OF ASHEVILLE

4. Third reading of Ordinance #655 amending Section 28-63 of the Code of the City of Asheville clarifying the language used to designate action at signalized intersections.

The City Manager then read a letter from Aston Park Hospital requesting an endorsement of its plans and also read excerpts from said plans.

The matter was discussed by members of the Council, and the Council then declined to act on the request for endorsement.

STREET CLEANING - DISCUSSION

Councilman Keleher discussed the feasibility of opening hydrants and cleaning streets at night, but the City Manager advised the practice would be inefficient unless a street sweeper were used after opening hydrants, and only one street sweeper is available and is in heavy use in all sections of the city.

"CRIME IN THE STREETS" -
CITY SUPPORTS POLICE EFFORTS

Councilman Colton brought up the matter of "crime in the streets" and stated he thought the Council had the sole obligation to do something about this condition.

The matter was discussed by members of the Council, and following the discussion Councilman Colton moved that this City Council pledge its full encouragement and support to the Asheville Police Department to enforce all laws impartially regardless of the race and sex of the offender breaking the law, which motion was seconded by Councilman Crouch and unanimously adopted.

SUNDAY OBSERVANCE LAW

Mr. Blanton Wright asked the Council to consider a proposal of giving the citizens a right to vote on whether or not the city should have a Sunday Blue Law.

MISS FANNIE McCOY

Miss Fannie McCoy discussed metropolitan government, the budget and fluoridation of the public water supply.

Adjournment.

Wayne S. Montgomery, MD
MAYOR

Margaret Simmons
CITY CLERK

Regular Meeting Thursday, February 26, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons

Absent: Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher

1. Approval of the minutes of the meeting of February 19, 1970.

The minutes were approved as submitted.

motion of Councilman Atkinson, seconded by Councilman Dailey, unanimously passed on its first reading.

ORDINANCE NO. 660 - AN ORDINANCE ESTABLISHING TERMS FOR EXPIRATION AND RENEWAL OF ELECTRICIAN'S AND MOTION PICTURE OPERATOR'S LICENSES AND CREATING AN INACTIVE LICENSE

Ordinance No. 660, being "AN ORDINANCE ESTABLISHING TERMS FOR EXPIRATION AND RENEWAL OF ELECTRICIAN'S AND MOTION PICTURE OPERATOR'S LICENSES AND CREATING AN INACTIVE LICENSE', was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously passed on its first reading.

POLICE COURT - APPOINTMENT OF DEPUTY CLERK (Mrs. Ruth S. Summey)

The City Manager read a resolution appointing Mrs. Ruth S. Summey as Deputy Clerk of the Asheville City Police Court.

Resolution No. 70-19 was, upon motion of Councilman Atkinson, seconded by Councilman Dailey, unanimously adopted.

The oath of office was administered to Mrs. Summey by Mayor Montgomery.

Complete copy of resolution will be found in Resolution Book #5 at page 432.

VANDERBILT APARTMENTS - APPOINTMENT OF MEMBER OF BOARD OF DIRECTORS (Howard J. Runnion)

The City Manager read a resolution appointing member of Board of Directors of Vanderbilt Apartments, Inc.

Resolution No. 70-20 was, upon motion of Councilman Anderson, seconded by Councilman Atkinson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 atpage 433.

PENSIONS - CITY EMPLOYEES

Councilman Atkinson discussed pensions of retired city employees, and was advised by the City Manager that this pension is 50% of the amount paid by Social Security at the time of retirement and under the present policy does not increase when Social Security payments are increased.

CANNON - PACK SQUARE

Councilman Atkinson suggested that some kind of artillery piece be found to replace the one removed from Pack Square during World War II.

Councilman Anderson suggested that the Veterans Council be asked for a recommendation regarding this.

Said ordinance was unanimously passed on its third and final reading.

ORDINANCE NO. 656 - AN ORDINANCE AMENDING SECTION 28-64 OF THE CODE OF THE CITY OF ASHEVILLE

5. Third reading of Ordinance #656 amending section 28-64 of the Code of the City of Asheville to clarify vehicular procedures at intersections which have flashing lights.

Said ordinance was unanimously passed on its third and final reading.

PHYSICAL ENVIRONMENT INSPECTOR - OFFICE CREATED

6. Consideration of a resolution creating within the Public Safety Department, Code Enforcement Section, a full time Physical Environment Inspector.

The City Manager explained the duties of the said Inspector, and following a discussion Resolution No. 70-17 was, upon motion of Councilman Dailey, seconded by Councilman Anderson, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 430.

STATE HIGHWAY COMMISSION - CONTRACT - PROJECT W. O. 9.8130216

7. Consideration of a resolution authorizing the Mayor to enter into an agreement with the State Highway Commission concerning relocation of utilities and establishment of traffic operating controls on State Highway Project W. O. 9.8130216.

Resolution No. 70-18 was, upon motion of Councilman Anderson, seconded by Councilman Atkinson, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 431.

ORDINANCE NO. 658 - AN ORDINANCE ESTABLISHING ELECTRICAL FEES FOR INSPECTIONS

8. Consideration of an ordinance amending Section 11.54 of the Code of the City of Asheville to change the fees for electrical inspection services.

Ordinance No. 658, being "AN ORDINANCE ESTABLISHING ELECTRICAL FEES FOR INSPECTIONS", was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously passed on its first reading.

ORDINANCE NO. 659 _ AN ORDINANCE ESTABLISHING PROCEDURES FOR EXAMINATION OF APPLICANTS FOR ELECTRICIAN'S AND MOTION PICTURE OPERATOR'S LICENSES

Ordinance No. 659, being "AN ORDINANCE ESTABLISHING PROCEDURES FOR EXAMINATION OF APPLICANTS FOR ELECTRICIAN'S AND MOTION PICTURE OPERATOR'S LICENSES", was, upon

Regular Meeting Thursday, March 5, 1970 - 3:00 o'clock P. M.

Present: Wayne S. Montgomery, Mayor, presiding; Councilmen Robert P. Crouch, Henry E. Colton, Webster Anderson, Ruben Dailey, Luke Atkinson, Corporation Counsel J. N. Golding and City Clerk Margaret Simmons.

Absent: Councilman Barbara C. Keleher, and City Manager Phin. Horton, III

1. Approval of minutes of meeting of February 26, 1970.
The minutes were approved as submitted.

ORDINANCE NO. 657 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. Second reading of Ordinance #657 amending ordinance #322 to zone the property of newly annexed land of Robinson Ridge Subdivision to RA-5 Residential District; to zone the property owned by Pettigrew, Bryant and Oast immediately west of the intersection of Mimosa Avenue and Sweeten Creek Road to Industrial District; and to rezone the property of Imperial Land Corporation which lies between the old City Limit boundary and the property of Bryant, Pettigrew and Oast from Industrial to RA-5 Residential District.

Said Ordinance #657 was unanimously passed on its second reading.

ORDINANCE NO. 658 - AN ORDINANCE ESTABLISHING ELECTRICAL FEES FOR INSPECTIONS

3. Second reading of Ordinance #658 establishing electrical fees for inspections.

Said Ordinance #658 was unanimously passed on its second reading.

ORDINANCE NO. 659 - AN ORDINANCE ESTABLISHING PROCEDURES FOR EXAMINATION OF APPLICANTS FOR ELECTRICIAN'S AND MOTION PICTURE OPERATOR'S LICENSES

4. Second reading of Ordinance #659 establishing procedures for examination for applicants for electrician's and motion picture operator's license.

Said Ordinance #659 was unanimously passed on its second reading.

ORDINANCE NO. 660 - AN ORDINANCE ESTABLISHING TERMS FOR EXPIRATION AND RENEWAL OF ELECTRICIAN'S AND MOTION PICTURE OPERATOR'S LICENSES AND CREATING AN INACTIVE LICENSE

5. Second reading of Ordinance #660 establishing terms for expiration and renewal of electrician's and motion picture operator's licenses and creating an inactive license.

Said Ordinance #660 was unanimously passed on its second reading.

BASEBALL - USE OF SCHOOL PLAYGROUNDS

Councilman Atkinson brought up the matter of the use of school playgrounds for baseball practice by Little League and other organizations, and that the injunction prohibiting such use is still in effect.

The Corporation Counsel was requested to confer with the Asheville Board of Education's legal counsel to see if the court order can be modified to permit such use.

CIVIL DEFENSE TRAINING CENTER - POSSIBILITY OF USE BY FIRE DEPARTMENT

Councilman Anderson advised that the Civil Defense has a tract of land for use as a training center; that the firemen have no training area; and suggested the possibility of developing a joint training center.

The City Manager suggested that the Training Officer of the Fire Department discuss with the volunteer organization what facilities will be needed and try to incorporate them in a budget request.

BEAUTIFICATION AND CLEAN-UP

Mr. Charles Schroeder, President of the Asheville Tourist Association, assured the Council that his organization will work toward beautification and clean-up of the city, and Mrs. Peake of the Keep Asheville Beautiful Committee thanked the Council for appointing the Environment Inspector.

Adjournment.

Wade S. Montgomery, MD
MAYOR

Margaret Summerlin
CITY CLERK

Regular Meeting Thursday, March 12, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

Absent: None

1. Approval of minutes of meeting of March 5, 1970.

The minutes were approved as submitted.

ORDINANCE NO. 657 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. Third reading of Ordinance #657 amending ordinance #322 to zone the property of newly annexed land of Robinson Ridge Subdivision to RA-5 Residential District; to zone the property owned by Pettigrew, Bryant and Oast immediately west of the intersection of Mimosa Avenue and Sweeten Creek Road to Industrial District; and to rezone the property of Imperial Land Corporation which lies between the old City Limit boundary and the property of Bryant, Pettigrew and Oast from Industrial to RA-5 Residential District.

Said Ordinance #657 was unanimously passed on its third and final reading.

ORDINANCE NO. 658 - AN ORDINANCE ESTABLISHING ELECTRICAL FEES FOR INSPECTIONS

3. Third reading of Ordinance #658 establishing electrical fees for inspections.

Said Ordinance #658 was unanimously passed on its third and final reading.

ORDINANCE No. 659 - AN ORDINANCE ESTABLISHING PROCEDURES FOR EXAMINATION OF APPLICANTS FOR ELECTRICIAN'S AND MOTION PICTURE OPERATOR'S LICENSES

4. Thifd reading of Ordinance #659 establishing procedures for examination for applicants for electrician's and motion picture operator's license.

Said ordinance #659 was unanimously passed on its third and final reading.

ORDINANCE NO. 660 - AN ORDINANCE ESTABLISHING TERMS FOR EXPIRATION AND RENEWAL OF ELECTRICIAN'S AND MOTION PICTURE OPERATOR'S LICENSES AND CREATING AN INACTIVE LICENSE.

5. Third reading of Ordinance #660 establishing terms for expiration and renewal of electrician's and motion picture operator's licenses and creating an inactive license.

ZONING ORDINANCE - AMENDMENT
REQUESTED (Lots 187 and 189,
Sheet 5, Ward 1 - Hayward Powers
and E. L. Loftin)

6. Consideration of a request to rezone the property of Hayward Powers and E. L. Loftin under option to Otis E. Dunn on the corner of Carroll Avenue and New Street from Commercial to Residential.

This request was referred to the Planning and Zoning Commission for study and recommendation.

ZONING ORDINANCE - AMENDMENT
REQUESTED (Lots 20, 21, 40½ and
part of 40, Sheet 6, Ward 8 -
City Sales, Inc.)

7. Consideration of a request to rezone the property of City Sales, Inc. at 192 Swannanoa Road from RA-6 to Industrial.

This request was referred to the Planning and Zoning Commission for study and recommendation.

PROCLAMATION - GIRL
SCOUT WEEK

8. Consideration of a proclamation proclaiming the week of March 8th as Girl Scout Week in Asheville.

Colonel Stewart Reel introduced two girl scouts of the Pisgah Girl Scout Council, and the Mayor read a proclamation proclaiming the week of March 8th through March 14th as Girl Scout Week in the City of Asheville.

POLICE DEPARTMENT -
PHILIP McMAHAN COMMENDED

Councilman Atkinson complimented Patrolman Philip McMahan for the officer's recently demonstrated courtesy and efficiency.

WATER BILLS

Councilman Dailey presented a request for an investigation of two water bills which the owners alleged were too high.

CANNON - PACK SQUARE

Councilman Anderson stated he had contacted Mr. Beach Keller of the Veterans Council in regard to replacing the field artillery piece on Pack Square and the Veterans Council had agreed to make recommendations and sponsor this project.

MISS McCOY

Miss Fannie McCoy discussed metropolitan government, urban renewal and fluoridation of the public water supply.

Adjournment

Wayne Hemphill, M.D.
MAYOR

Margaret Simmons
CITY CLERK

This was received as information by the Council.

PLANNING AND ZONING COMMISSION - RECOMMENDATION RE ZONING OF PROPERTY OF DWELLINGS. LTD. LOCATED AT BROOKLYN AND WYATT STREETS

10. Reading of a letter from the Planning and Zoning Commission recommending the zoning of the property of Dwellings, Ltd. located at Brooklyn and Wyatt Streets to RA-6 Residential District.

Councilman Anderson moved that a public hearing be advertised at petitioner's expense, which motion was seconded by Councilman Dailey and unanimously adopted.

BIDS - DIESEL TRACTOR SHOVEL, COMBINATION TRACTOR AND LOADER, SEWER CLEANING MACHINE, SCRUBBING MACHINE AND SKID MOUNTED PIGGY BACK DISTRIBUTOR

11. Consideration of bids received March 9th for diesel tractor shovel, combination tractor and loader, sewer cleaning machine, scrubbing machine, and skid mounted piggy back distributor.

The City Manager advised that after due advertisement bids had been received, and recommended the awarding of the contracts to the lowest bidders:

Diesel Tractor Shovel - E. F. Craven Company $34,187.00

Councilman Crouch moved bid be so awarded, which motion was seconded by Councilman Anderson and unanimously adopted.

Combination Tractor & Loader Farm Equipment Co., Inc. $4,543.00

Councilman Crouch moved that the bid be so awarded, which motion was seconded by Councilman Keleher and unanimously adopted.

Skid Mounted Piggy-Back Distributor — Western Carolina Tractor and Equipment Company $4,471.00

Councilman Crouch moved that the bid be so awarded, which motion was seconded by Councilman Anderson and unanimously adopted.

Sewer Cleaning Machine Flexible Pipe Tool Division $3,785.00

Councilman Atkinson moved that the bid be so awarded, which motion was seconded by Councilman Dailey and unanimously adopted.

Scrubbing Machine United Chemical Company, Inc. $2,149.00

Councilman Crouch moved that the bid be so awarded, which motion was seconded by Councilman Keleher and unanimously adopted.

FLORENCE STREET - REQUEST TO CLOSE

12. Consideration of a petition for the closing of Florence Street.

Said Ordinance #660 was unanimously passed on its third and final reading.

SITE PLAN - HOUSING PROJECT N. C. 712 - ASHEVILLE HOUSING AUTHORITY - RECOMMENDATION OF PLANNING AND ZONING COMMISSION

6. Reading of a letter from the Planning and Zoning Commission recommending approval of the site plan of Housing Project N. C. 712 prepared by Weigman-Hall, Architects and Associates, Inc. for the Asheville Housing Authority; project to be located on the Robertson Wall property at the end of Montford Avenue.

The City Manager advised that the procedure would be to advertise for a public hearing at petitioner's expense.

Mr. Francis Coyle, President of the Montford Community Club, presented a prepared statement concerning the Club's position on the proposed housing project.

Following a discussion by members of the Council, Councilman Keleher moved that a public hearing be advertised to be held April 9th at petitioner's expense with members of the Housing Authority invited to be present to answer questions, which motion was seconded by Councilman Dailey and unanimously adopted.

ASHEVILLE TRANSIT AUTHORITY - ROUTE CHANGES IN TACOMA CIRCLE AREA

7. Presentation by Mr. Francis Coyle, President of the Montford Community Club concerning route changes by the Asheville Transit Authority in the Tacoma Circle Area.

Mr. Coyle introduced Mr. John White who presented a prepared letter written to the Asheville Transit Authority protesting the removal of the bus route from Tacoma Circle and asking that this route be restored.

There was a discussion by Council members, and the letter was directed to be referred to the Transit Authority.

SIGN - MILL END CARPET OUTLET - PERMIT GRANTED

8. Reading of a letter from the Director of Planning recommending granting of a permit for the erection of a sign atop the Mill End Carpet Outlet, 45 Merrimon Avenue, with certain restrictive provisions.

Following a discussion Councilman Crouch moved that the permit be granted provided that the sign be erected at least 25' from the southern edge of the building nearest Merrimon Avenue ramp and that the 6' vertical clearance requirement between the roof and bottom of sign and other requirements such as proper anchors in the State Code are met, which motion was seconded by Councilman Atkinson and unanimously adopted.

CORPORATE LIMITS EXTENSION - PROPERTY OF DWELLINGS, LTD. AT BROOKLYN AND WYATT STREETS - RECOMMENDATION OF METROPOLITAN PLANNING BOARD

9. Reading of a letter from the Metropolitan Planning Board recommending the annexing into the corporate limits of property of Dwellings, Ltd. located in Biltmore Township at Brooklyn and Wyatt Streets.

A vote was taken on the resolution and it was passed by a vote of 4 to 3, with Councilmen Keleher, Anderson, Atkinson and Mayor Montgomery voting in favor of said resolution, and Councilmen Colton, Crouch and Dailey voting against said resolution.

Complete text of resolution will be found in Resolution Book #5 at page 435.

METROPOLITAN SEWERAGE DISTRICT
BOARD - APPOINTMENT OF MEMBER
(James C. Lives

The City Manager read a resolution appointing member to the Metropolitan Sewerage District Board.

Resolution No. 70-23 was, upon motion of Councilman Colton, seconded by Councilman Anderson, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 436.

MUNICIPAL ELECTIONS - AGREEMENT

The City Manager read a resolution regarding a memorandum agreement affecting municipal elections, and explained the provisions of the agreement.

Following a discussion Councilman Crouch moved that this matter be deferred until next week, which motion was seconded by Councilman Colton and unanimously adopted.

CIVIC CENTER - BOND REFERENDUM
AUTHORIZED

The City Manager advised that bids have been received for the Civic Center, which bids have been reviewed and tabulated by the architects, and it is clear that the amount of the bids exceeds the available bond funds. The Building Committee has recommended that the building not be pared down. The City Manager advised that the City has the alternatives of building a partial facility with the money available, build the merged facility as planned at a cost of about $7,296,227, which would require voter approval of about $2,000,000 more in bonds, or abandon the project and ab sorb losses that may go well over $2,000,000. The City Manager further advised that scrapping the project would cost the city more than $1,500,000 in non-cash credits pledged to the East Riverside and Civic Redevelopment Urban Renewal projects, plus $636,634 already spent on the Civic Center.

Mr. Neal Hanks, Director of Planning and Redevelopment, said scrapping the building would mean the federal government would immediately place an interest-bearing lien against Asheville if the city couldn't come up with $1,500,000 in other credits or cash, and in addition the U. S. Department of Housing and Urban Development would distribute memos to all other federal granting agencies telling them that no federal programs should go forward until Asheville made good on its contracts with HUD.

Mr. Baber, the architect, told what negotiations have been taken with regard to paring down the facility.

The City Manager presented letters from the Board of County Commissioners, St. Joseph's Hospital, and Mr. Francis Heazel requesting that the right of way for this existing street be abandoned.

Councilman Dailey moved that procedure be instituted for the abandoning of this right-of-way, which motion was seconded by Councilman Keleher, and adopted with Councilman Anderson abstaining from voting.

LEASE AGREEMENT - U. S. FORESTRY SERVICE

13. Consideration of a resolution authorizing the Mayor to enter into a lease agreement with the U. S. Forestry Service for an aerial tanker reloading base and seasonal range storage space for fighting forest fires.

Resolution No.70-21 was, upon motion of Councilman Crouch, seconded by Councilman Colton, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 434.

PLAT , SHEETS 1 and 2 - URBAN REDEVELOPMENT PROJECT N. C. R-13 - CIVIC REDEVELOPMENT PROJECT - APPROVED

14. Consideration of a request from Urban Redevelopment Commission to approve the final subdivision plat, Sheets 1 and 2, of the Urban Redevelopment Project N. C. R-13 known as the Civic Redevelopment Project.

Mr. Neal Hanks, Director of Planning and Urban Redevelopment, presented the plats for approval, and, upon motion of Councilman Crouch, seconded by Councilman Dailey, said plats were unanimously approved.

SUBSTITUTE JUDGE OF POLICE COURT - JAMES T. RUSHER

15. Consideration of a resolution appointing James T. Rusher as Substitute Judge of the Asheville City Police Court.

The City Manager read a resolution appointing James T. Rusher as Substitute Judge of the Asheville City Police Court.

Councilman Dailey offered in nomination the name of Robert Harrell for this position, which motion was seconded by Councilman Crouch.

Councilman Colton offered a substitute motion with the name of Narvel Crawford for this position, which motion was seconded by Councilman Crouch.

A vote was taken on the substitute motion, and it was defeated by a vote of 2 to 4 with Councilman Crouch and Colton voting in favor of said motion, and Councilmen Keleher, Anderson, Atkinson and Mayor Montgomery voting against said motion.

A vote was taken on the motion for Robert Harrell and it was defeated by a vote of 3 to 4, with Councilman Crouch, Colton and Dailey voting in favor of said motion, and Councilmen Keleher, Anderson, Atkinson and Mayor Montgomery voting against said motion.

Regular Meeting Thursday, March 19, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben J. Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel James N. Golding, and City Clerk Margaret Simmons

Absent: Councilman Henry E. Colton

1. Approval of minutes of meeting of March 12, 1970.

The minutes were approved as submitted.

ORDINANCE NO. 661 - AN ORDINANCE AMENDING SECTION 8-29 OF CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE

2. Introduction of Ordinance amending Section 8-29 of Chapter 8, Article 2 of the Code of the City of Asheville known as the Housing Code to require the city to file property tax liens with grantor's index instead of lis pendens.

Councilman Anderson introduced Ordinance No. 661, being "AN ORDINANCE AMENDING SECTION 8-29 of CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE", which was, upon motion of Councilman Anderson, seconded by Councilman Keleher, unanimously passed on its first reading.

Miss Mc Coy spoke in opposition to the ordinance

ORDINANCE NO. 662 - AN ORDINANCE REPEALING SECTION 8-30 OF CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE

3. Introduction of Ordinance amending Section 8-30 of Chapter 8, Article 2 of the Code of the City of Asheville known as the Housing Code to require service to be delivered by registered or certified mail or published in a local newspaper and to require service to be posted on the property affected.

Councilman Crouch introduced Ordinance No. 662, being "AN ORDINANCE REPEALING SECTION 8-30 OF CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE", which was, upon motion of Councilman Crouch, seconded by Councilman Keleher, unanimously passed on its first reading.

ORDINANCE NO. 663 - AN ORDINANCE AMENDING SECTION 8-31 OF CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE

4. Introduction of Ordinance amending Section 831 of Chapter 8, Article 2 of the Code of the City of Asheville known as the Housing Code changing the Board of Appeals for the Housing Code from the City Council to the Zoning Board of Adjustment.

Councilman Dailey introduced Ordinance No. 663, being "AN ORDINANCE AMENDING SECTION 8-31 OF CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF

Also speaking on the subject were Mr. George Coggins; Mr. Paul Goodman, representative of the Chamber of Commerce on the Advisory Committee; Mr. Bill Fass; and Mrs. Sol Burney.

The City Manager advised it would take a minimum of fifty days to get the bond issue before the people.

The matter was discussed by members of the Council, and following the discussion Councilman Crouch moved that the City Manager be instructed to proceed with plans for placing the referendum before the people as soon as feasible in the amount of $2,000,000, which motion was seconded by Councilman Dailey and unanimously adopted.

PETITIONS - LEGALIZED DRAG STRIP

Miss Pamela Babson presented petitions requesting a legalized drag strip.

The City Manager advised that the city only owns a small part of the old Asheville-Hendersonville Airport, and is committed to a 120 day study for industrial use of this property, which is why the trenching has been done. The City Manager suggested that property be found near Asheville where a legalized drag strip can be provided.

Mr. Teague of the Jaycees presented figures showing how drag strip racing was handled in Dothan, Alabama.

OUT-OF-TOWN EMPLOYEE - WATER DEPARTMENT

Mr. Dailey asked why an out-of-town man was employed to fill the position of Superintendent of Billing and Water Services, and Mr. Ward explained his reasons for employing Mr. Tipton to fill said position.

GIRL SCOUT WEEK

In observance of Girl Scout Week a number of Girl Scouts spent the day in observing the various city departments. Carolyn Rice, the Scout acting as Mayor, discussed recreational needs in the city, and proposed a Civic Center housing an Olympic size swimming pool, bowling alley, dance pavillion, possibly a movie theater, putt-putt games and several snack bars. Miss Rice also advised that the Girl Scouts are working with the Recreation Department to see how existing facilities can be better utilized.

Adjournment.

Wayne Montgomery, M.D.
MAYOR

Margaret Simmons
CITY CLERK

Complete text of resolution will be found in Resolution Book #5 at page 437.

WESTERN NORTH CAROLINA AIR POLLUTION BOARD - RESOLUTION APPOINTING MEMBER (Robert G. McC ure, Jr.)

10. Consideration of resolution appointing member of the Western North Carolina Regional Air Pollution B ard.

Resolution No. 70-25 was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 438

STATE HIGHWAY COMMISSION - AGREEMENT FOR TRAFFIC CONTROL SIGNALS

11. Consideration of resolution authorizing Mayor to enter into agreement with State Highway Commission regarding traffic control signals.

Resolution No. 70-26 was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 439.

MUNICIPAL ELECTIONS - AGREEMENT

12. Consideration of resolution regarding municipal elections.

Resolution No. 70-27 was, upon motion of Councilman Keleher, seconded by Councilman Atkinson, unanimously adopted.

Complete text of resolution will be found in RESOLUTION BOOK #5 at page 440.

CLAIM FOR DAMAGES - JERRY A. CHISM

13. Consideration of a Notice of Claim for Damages by Jerry A. Chism against the City of Asheville alleging injuries allegedly resulting from negligence of the city.

The above claim was referred to the Corporation Counsel.

ASHEVILLE LIBRARY BOARD - APPOINTMENT OF MEMBER (Mrs. Mary Frances [illegible])

The City Manager read a resolution appointing member to the Asheville Library Board.

Resolution No. 70-28 was, upon motion of Councilman Anderson, seconded by Councilman Keleher, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 441.

MONTGOMERY TO MEMPHIS - FILM PRESENTATION

The Mayor called attention to a film presentation of Montgomery to Memphis concerning Dr. Martin Luther King which will be presented at Hopkins Chapel on Tuesday, March 24th.

ASHEVILLE KNOWN AS THE HOUSING CODE", which was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously passed on its first reading.

JUNK DEALERS AND JUNK YARDS -
OPINION OF CORPORATION COUNSEL

5. Consideration of legal opinion of Corporation Counsel re Chapter 15, Section 15.1, Junk Dealers and Junk Yards.

The Corporation Counsel advised that any collection of junk cars on the premises of service stations and garages would constitute the operation of a junk yard, and the operators would be required to apply for a junk yard permit and failure to do so would make them subject to a $50.00 a day fine.

SWIMMING POOL - RECREATION PARK

6. Consideration of recommendation from the Recreation Advisory Board regarding bids on Recreation Park swimming pool.

The City Manager advised that only two bids were received for the 50-meter pool, and the Advisory Board recommended that the bids be rejected and that consideration be given to reducing the width of the pool from 75 feet to 56 feet and calling for new bids. The City Manager further advised that it is necessary to have three bids.

There was a discussion by members of the Council, the Mayor pointing out that there is $100,000 available for recreational purposes from the sale of Rhododendron Park, plus $29,000 received from insurance for a fire at Recreation Park.

Following the discussion Councilman Crouch moved that the Parks and Recreation Department be advised that the Council will make available up to $60,000 for construction of a swimming pool and that bids be advertised for again, which motion was seconded by Councilman Anderson and unanimously adopted.

RECREATIONAL FACILITIES - FEES

7. Consideration of recommendation from the Recreation Advisory Board regarding fees and charges for recreational facilities.

The recommendation of the Advisory Board was sent back to the Board and the Board was directed to spell out the single-fee structure recommended for use of the Municipal Golf Course and was notified that the Council belifves the city should adopt an all or none policy on free use of the golf course by city employees.

ZONING ORDINANCE - AMENDMENT REQUESTED
(Lots 49¼ and 73½, Sheet 15, Ward 8,
known as 771 Tunnel Road)

8. Consideration of petition for rezoning of Lots 49¼ and 73½, Sheet 15, Ward 8, known as 771 Tunnel Road, from RA-6 to Roadside Business.

The petition was referred to the Planning and Zoning Commission for study and recommendation.

WESTERN NORTH CAROLINA AIR
POLLUTION BOARD

9. Consideration of resolution establishing the Western North Carolina Regional Air Pollution Board consisting of seven (7) members.

Resolution No. 70-24 was, upon motion of Councilman Anderson, seconded by Councilman Keleher, unanimously adopted.

Regular Meeting Thursday, March 26, 1970 - 3:00 o'clock P. M.

Present: Vice-Mayor Webster Anderson presiding; Councilmen Henry E. Colton, Mrs. Barbara C. Keleher, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. M. Golding, and City Clerk Margaret Simmons

Absent: Mayor Wayne S. Montgomery and Councilman Robert P. Crouch

1. Approval of the minutes of the meeting of March 19, 1970.

The minutes were approved as submitted.

ORDINANCE NO. [illegible] - AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY

2. Public hearing on the annexation of property of Peter Feistman of Dwellings, Ltd., which lies immediately south of Wyatt Street and east of Brooklyn Road.

The City Manager advised that after due advertisement today has been set for a public hearing, and the Mayor opened the public hearing at 3:14.

Following a discussion the public hearing was closed at 3:18, and Councilman Dailey introduced Ordinance No. 664, being "AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY", which was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously passed on its first reading.

WORKABLE PROGRAM - REQUEST FOR RECERTIFICATION

3. Consideration of the application for Workable Program Recertification.

The City Manager read a letter from the Planning Staff describing the changes which have been made in the application at the request of HUD since its first submission, and a resolution endorsing the Workable Program, which resolution was, upon motion of Councilman Colton, seconded by Councilman Keleher, adopted with Councilmen Colton, Keleher, Dailey and Vice-Mayor Anderson voting for the resolution and Councilman Atkinson voting no.

Complete text of resolution will be found in Resolution Book 5 page 442.

ORDINANCE NO. 661 - AN ORDINANCE AMENDING SECTION 8-29 OF CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE

4. Second reading of Ordinance No. 661 amending Section 8-29 of Chapter 8, Article 2 of the Code of Asheville known as the Housing Code to require the city to file property tax liens with grantor's index instead of lis pendens.

Said Ordinance No. 661 was unanimously passed on its second reading.

ORDINANCE NO. 662 - AN ORDINANCE REPEALING SECTION 8-30 OF CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE.

5. Second reading of Ordinance No. 662 amending Section 8-30 of Chapter

PROCLAMATION - DEMOLAY WEEK

The Mahor proclaimed the week of March 15th through 22nd as International Demolay Week in Asheville.

PROCLAMATION - CENSUS

The Mayor read a proclamation urging cooperation of all citizens in the taking of the census.

KINGSMAN'S QUARTET - DESIGNATED GOOD-WILL AMBASSADORS OF ASHEVILLE

The Mayor designated the Kingsman's Quartet as Good-Will Ambassadors of the City of Asheville.

VANCE SCHOOL

A number of students from Vance School were introduced to the Council.

BOND REFERENDUM - TAXES

Councilman Keleher moved that the Council again go on record that property taxes will not be raised this year and in fact will be lowered even if the proposed bond issue is passed, which motion was seconded by Councilman Anderson and unanimously adopted.

CIVIC CENTER

Councilman Atkinson discussed the proposed Civic Center, advising that the total sales tax collections for the fiscal year beginning July 1st have been estimated at $733,991; that it would require $406,350 of this amount to cut taxes as the Council pledged, which would leave $327,641; and that he proposed that the city use $200,000 of this to pay off the $2,000,000 in bonds, which would leave an additional $125,000 in revenue over and above this year's budget to spend as the Council sees fit.

The City Manager advised that it is his understanding that sales tax revenue must be distributed in the ratio of the previous year's levy, which would be about three-fifths to General Fund and two-fifths to Debt Service, but would have to check with the Local Government Commission to see if this ratio will be required for distribution of the new extra penny sales tax revenues.

MISS McCOY

Miss Fannie McCoy discussed metropolitan government.

ASHEVILLE AIRPORT _ NOTICE BY ROBERT C. BURRIS

Robert C. Burris filed notice that he intends to file action to set aside a judgment under which the City of Asheville is claiming a two-thirds interest in certain property at the northern entrance to the Asheville Airport.

Adjournment.

Wade Montgomery, JR
MAYOR

Margaret Simmons
CITY CLERK

would hold in abeyance its proposal of an Aviation Commission, pending a determination of the effectiveness of programs being worked out by the Chamber of Commerce Aviation Committee.

STATE HIGHWAY COMMISSION - AGREEMENT - RELOCATION OF SANITARY SEWER MAINS AT OLD PEARSON BRIDGE

11. Consideration of a resolution authorizing the Mayor to enter into an agreement with the State Highway Commission concerning the relocation of sanitary sewer mains at the old Pearson Bridge and approaches.

Resolution No. 70-31 was, upon motion of Councilman Keleher, seconded by Councilman Colton, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 page 444.

ASHEVILLE AIRPORT - MINIMUM STANDARDS FOR FIXED BASE OPERATORS

12. Consideration of an ordinance establishing minimum standards for fixed base operators at the Asheville Airport.

The City Manager read an ordinance establishing regulations for the Airport of the City of Asheville.

Mr. J. T. Rice, immediate past president of the Pilots Association, discussed the ordinance and suggested revisions, and that the Aviation Committee of the Chamber of Commerce review the ordinance.

Following a discussion, Councilman Colton moved that the first reading of the ordinance be postponed for one week, which motion was seconded by Councilman Keleher and unanimously adopted.

CENSUS

The Vice-Mayor read a government bulletin urging news media to give publicity to the need for cooperation of all citizens in the taking of the census.

NARCOTICS PROBLEM - REQUEST OF DENNIS WINNER

Mr. Dennis Winner read a prepared statement regarding the use of narcotic drugs in the schools and requested a place on next week's agenda to present a resolution requesting the hiring of a narcotic-detection specialist.

This request was granted by the Council.

RAILROAD CROSSING - LIGHTS REQUESTED

Councilman Atkinson read a letter requesting the need for a light at the Johnson Railroad crossing, and moved that the City Council contact the railroad to see if a light could be installed at this crossing, which motion was seconded by Councilman Dailey and unanimously adopted.

8. Article 2 of the Code of the City of Asheville known as the Housing Code to require service to be delivered by registered or certified mail or published in a local newspaper and to require service to be posted on the property affected.

Said Ordinance No. 662 was unanimously passed on its second reading.

ORDINANCE No. 663 - AN ORDINANCE AMENDING SECTION 8-31 of CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE

6. Second reading of Ordinance No. 663 amending Section 8-31 of Chapter 8, Article 2 of the Code of the City of Asheville known as the Housing Code changing the Board of Appeals for the Housing Code from the City Council to the Zoning Board of Adjustment.

Said Ordinance No. 663 was unanimously passed on its second reading.

BIDS - TRUCK FOR ASHEVILLE TRANSIT AUTHORITY

The City Manager advised that after due advertisement bids had been received for a truck for the Asheville Transit Authority:

Matthews Motors, Inc.	Parkland Chevrolet Co.	Eason Truck Sales	Carolina Truck & Body, Inc.
$6,335.00	$6,935.09	$6,280.00	$6,439.00

and recommended that the bid be awarded to the low bidder Eason Truck Sales for $6,280.00.

Councilman Colton moved that the bid be so awarded, which motion was seconded by Councilman Dailey and unanimously adopted.

QUIT-CLAIM DEED - CORRIE MAYFIELD

8. Consideration of a resolution authorizing the Mayor and the City Clerk to execute a quit-claim deed to Corrie Mayfield.

Resolution No. 70-30 was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 443.

SIGN - MILL END CARPET OUTLET

9. Appeal by Mr. Fred Pearlman of the provisions for a permit for a roof sign atop the Mill End Carpet Outlet, 45 Merrimon Avenue.

This was postponed for one week at the request of Mr. Pearlman.

MICHAEL S. SCOFIELD - LETTER

10. Reading of a letter from Michael S. Scofield, attorney for the Western North Carolina Pilots Association, regarding the Aviation Committee of the Chamber of Commerce.

The Vice-Mayor thanked Mr. Scofield for the letter saying the organization

Thursday, April 2, 1970 - 3:00 o'clock P. M.

The Council of the City of Asheville, North Carolina, met in regular session at the City Hall, the usual place of meeting at 3:00 o'clock P. M., on April 2, 1970.

Present: Vice-Mayor Webster Anderson, presiding, and Councilmen Henry E. Colton, Mrs. Barbara C. Keleher, Ruben J. Dailey, Luke Atkinson.

Absent Mayor Wayne S. Montgomery and Councilman Robert P. Crouch.

Also present: Phin. Horton, III, City Manager, and Margaret Simmons, City Clerk.

1. Approval of the minutes of the meeting of March 29, 1970.

The minutes were approved as submitted.

ORDINANCE NO. 661 - AN ORDINANCE AMENDING SECTION 8-29 OF CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE

2. Third reading of Ordinance No. 661 amending Section 8-29 of Chapter 8, Article 2 of the Code of Asheville known as the Housing Code to require the city to file property tax liens with grantor's index instead of lis pendens.

Said Ordinance No. 661 was unanimously passed on its third and final reading.

ORDINANCE NO. 662 - AN ORDINANCE REPEALING SECTION 8-30 OF CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE

3. Third reading of Ordinance No. 662 amending Section 8-30 of Chapter 8, Article 2 of the Code of Asheville known as the Housing Code to require service to be delivered by registered or certified mail or published in a local newspaper and to require service to be posted on the property affected.

Said Ordinance No. 662 was unanimously passed on its third and final reading.

ORDINANCE NO. 663 - AN ORDINANCE AMENDING SECTION 8-31 of CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE

4. Third reading of Ordinance No. 663 amending Section 8-31 of Chapter 8, Article 2 of the Code of the City of Asheville known as the Housing Code changing the Board of Appeals for the Housing Code from the City Council to the Zoning Board of Adjustment.

Said Ordinance No. 663 was unanimously passed on its third and final reading.

WOODYARD - RUMBOUGH PLACE

Councilman Atkinson read a complaint of a citizen regarding the operation of a woodyard at 106 Rumbough Place, and this matter was referred to the Building Inspector for investigation.

SIDEWALK - ATKINSON-HARPER

Councilman Atkinson advised that the sidewalk at Atkinson-Harper is in bad condition because of numerous cuts by the city and the Gas Company. The City Manager was requested to investigate this matter to see if the city has any responsibility.

WATER BILL

Councilman Atkinson presented a water bill which the owner claimed was excessive, and this matter was referred to Mr. Tipton.

GARBAGE CANS

Councilman Dailey presented a complaint about the Sanitation Department workers putting back trash and garbage cans in the wrong places on Brick Street and other streets.

MISS McCOY

Miss McCoy discussed the maid service in the City Hall, and suggested employing more help.

Miss McCoy also discussed the Model City program.

SHORT STREET - DRAINAGE PROBLEM

Mrs. Ottilie Jackson of 45 Short Street presented a petition requesting the city to correct a drainage problem on Short Street, and also requested that Short Street be made a one-way street. This request was referred to the Director of Public Works.

Adjournment.

VICE-MAYOR

CITY CLERK

(c) That it is necessary to issue all of the bonds authorized by said ordinance, $700,000 of the proceeds thereof to be used to pay the notes maturing on April 22, 1970.

(d) That the probable period of usefulness of the land to be acquired pursuant to said ordinance is a period of fifty years from October 19, 1968, a date not more than one year after the passage of said ordinance, and that said period expires on October 19, 2018.

Section 2. Pursuant to said ordinance there shall be issued the negotiable coupon bonds of the City of Asheville, in the aggregate principal amount of $1,400,000, designated "Redevelopment Bonds", dated May 1, 1970, consisting of 280 bonds of the denomination of $5,000 each, numbered 1 to 280, inclusive. Said bonds shall mature annually, May 1, in numerical order, lowest numbers first, $50,000 1973 to 1976, $125,000 1977 to 1984, all inclusive, $100,000 1985 and $100,000 1986, without option of prior payment, and shall bear interest from their date at a rate or rates not exceeding 6% per annum to be determined by the Local Government Commission at the time the bonds are sold, which interest to the maturity thereof shall be payable semi-annually on the 1st days of May and November of each year. Both the principal of and the interest on said bonds shall be payable in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts, at the Manufacturers Hanover Trust Company, in the Borough of Manhattan, City and State of New York, or, at the option of the holder or registered owner, at the Wachovia Bank and Trust Company, N.A., in the City of Raleigh, North Carolina.

Section 3. Said $1,400,000 Redevelopment Bonds shall be executed with the facsimile signatures of the Mayor and the City Clerk and a facsimile of the corporate seal of the City shall be imprinted on the bonds and the interest coupons to be attached to said bonds shall be executed with the facsimile signature of said City Clerk. Said bonds and coupons and the endorsements to be printed upon the reverse of said bonds shall be in substantially the following forms:

No. _____ $_____

United States of America
State of North Carolina
County of Buncombe

CITY OF ASHEVILLE

Redevelopment Bond

The City of Asheville, a municipal corporation in Buncombe County, North Carolina, is justly indebted and for value received hereby promises to pay to the bearer or, if this bond be registered, to the registered owner hereof, on the 1st day of May, 19__, the principal sum of

_____THOUSAND DOLLARS

and to pay interest thereon from the date hereof at the rate of _____ per centum (_____%_ per annum until payment of such principal sum, such interest to the maturity hereof being payable semi-annually on the 1st days of May and November of each year upon the presentation and surrender of the coupons representing such interest as the same respectively become due. Both the principal of and the interest on this bond are payable in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debt, at the Manufacturers Hanover Trust Company, in the Borough

ORDINANCE NO. 664 - AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY

5. Second reading of Ordinance No. 664 annexing the property of Peter Feistman of Dwellings, Ltd., which lies immediately south of Wyatt Street and east of Brooklyn Road.

Said Ordinance No. 664 was unanimously passed on its second reading.

SIGN - MILL END CARPET OUTLET

6. Appeal by Mr. Fred Pearlman of the provisions for a permit for a roof sign atop the Mill End Carpet Outlet, 45 Merrimon Avenue.

This item was removed from the agenda at the request of Mr. Fred Pearlman.

ZONING ORDINANCE - AMENDMENT REQUESTED (Lots 30, 270, 146, 147, Sheet 26, Ward 6 - Louise Cowan)

7. Consideration of a petition from Mrs. Louise Cowan requesting that property along Sawyer's Road be rezoned from Roadside Business to Commercial or Industrial.

This request was referred to the Planning and Zoning Commission for study and recommendation.

BONDS - $1,400,000 REDEVELOPMENT BONDS

8. Consideration of a resolution providing for the issuance of $1,400,000 Redevelopment Bonds.

Councilman Colton introduced in written form the following resolution which was read:

RESOLUTION PROVIDING FOR THE ISSUANCE OF $1,400,000 REDEVELOPMENT BONDS

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. The Council has determined and does hereby find and declare:

(a) That an ordinance authorizing $1,400,000 Redevelopment Bonds was passed on October 19, 1967, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held on December 5, 1967.

(b) That none of said bonds has been issued and that $700,000 Redevelopment Bond Anticipation Notes have been issued in anticipation of the receipt of a like amount of proceeds of said bonds which notes are dated October 17, 1969 and mature on April 22, 1970.

may be to bearer and thereby transferability by delivery shall be restored, but this bond shall again be subject to successive registrations and transfers as before. The principal of this bond, if registered, unless registered to bearer, shall be payable only to or upon the order of the registered owner or his legal representative. Notwithstanding the registration of this bond as to principal alone, the coupons shall remain payable to bearer and shall continue to be transferable by delivery.

Date of Registration	Name of Registered Owner	Signature of Bond Registrar
.....	.....	.....
.....	.....	.....
.....	.....	.....

(Form of coupons)

No. _____ $_____

On the 1st day of _____, 19_____,

the City of Asheville, a municipal corporation in Buncombe County, North Carolina, will pay to bearer at the Manufacturers Hanover Trust Company, in the Borough of Manhattan, City and State of New York, or, at the option of the bearer, at the Wachovia Bank and Trust Company, N.A., in the City of Raleigh, North Carolina, upon the presentation and surrender hereof, the sum of _____ Dollars in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts, as provided in and for the semi-annual interest then due upon its Redevelopment Bond, dated May 1, 1970, numbered _____.

_____
City Clerk

Section 4. Said bonds shall be registrable as to principal alone in accordance with the provisions hereinabove provided for endorsement upon said bonds and the Director of Finance is hereby appointed Bond Registrar for the purpose of Registering and transferring said bonds, subject to the right of the governing body of the City of Asheville hereafter to appoint another Bond Registrar. No charge shall be made to any bondholder for the privilege of registration and transfer herein granted.

Section 5. The application of the City Manager in applying to the Local Government Commission for the advertisement and sale of said bonds, and the action of the Local Government Commission in asking for sealed bids for said bonds by printing and distributing circulars, be and the same are hereby ratified and confirmed.

Section 6. This resolution, being a resolution directing administrative action, shall take effect immediately.

_____
Mayor

Approved as to form:

_____
Corporation Counsel

_____
City Clerk

Upon motion of Councilman Colton, seconded by Councilman Dailey, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $1,400,000 REDEVELOPMENT BONDS" was passed by the following vote.

of Manhattan, City and State of New York, or, at the option of the holder or registered owner, at the Wachovia Bank and Trust Company, N.A., in the City of Raleigh, North Carolina. For the prompt payment hereof, both principal and interest at the same shall become due, the full faith and credit of said City of Asheville are hereby irrevocably pledged.

This bond is one of a series issued by said City pursuant to and in full compliance with The Municipal Finance Act, 1921, as amended, and the Local Government Act, as amended, and an ordinance which was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held and resolutions duly passed by the Council of said City for the purpose of providing funds for appropriation to the Redevelopment Commission of the City of Asheville for the purpose of aiding said Commission in the acquisition of land and the improvement thereof by said Commission necessary in the carrying out of its lawful powers and functions.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this bond have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within said City sufficient to pay the principal of and the interest on this bond as the same shall become due; and that the total indebtedness of said City, including this bond, does not exceed any constitutional or statutory limitation thereon.

This bond may be registered as to principal alone in accordance with the provisions endorsed hereon.

IN WITNESS WHEREOF, said City of Asheville has caused this bond to be signed by its Mayor and its City Clerk and the corporate seal of the City to be affixed hereto, and has caused the interest coupons attached hereto to be executed with the facsimile signature of said City Clerk, all as of the 1st day of May, 1970.

Approved as to form:

_____
Corporation Counsel

_____
Mayor

_____
City Clerk

(Endorsements on bonds)

The issuance of the within bond has been approved under the provisions of the Local Government Act of North Carolina.

H. E. BOYLES
Secretary, Local Government Commission

By:_____
Designated Assistant

PROVISIONS FOR REGISTRATION

This bond may be registered as to principal alone in the Bond Register of the City of Asheville by the Director of Finance as Bond Registrar, at his office in the City of Asheville, or by such other Bond Registrar as may be legally appointed by the governing body of said City upon presentation hereof to the Bond Registrar who shall make notation of such registration in the registration blank below, and this bond may thereafter be transferred only upon a duly executed assignment of the registered owner or his attorney, in such form as shall be satisfactory to the Bond Registrar, such transfer to be made on such Bond Register and endorsed hereon by the Bond Registrar. Such transfer

LEGAL OPINION ON $1,400,000 REDEVELOPMENT BONDS TO BE ISSUED UNDER DATE OF MAY 1, 1970" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

NARCOTICS PROBLEM - RESOLUTION OF DENNIS WINNER

10. Presentation of a resolution by Mr. Dennis Winner requesting the employment of a narcotics detection specialist in the Asheville Police Department.

Mr. Winner presented his resolution which requested that the Mayor appoint a committee composed of three members of the City Council to study the feasibility of hiring additional law enforcement officers specially trained in narcotics detection; study with the administration of the County of Buncombe the feasibility of hiring additional psychiatric and psychological personnel to be added to the Blue Ridge Community Mental Health Center to deal solely with the problem of drug abuse; and study with the Superintendent of the Asheville City Schools the feasibility of special educational training relating to drug abuse among the young.

This resolution was taken under advisement of the Council.

ASHEVILLE AIRPORT - ORDINANCE ESTABLISHING MINIMUM STANDARDS FOR FIXED BASE OPERATORS

11. Consideration of an ordinance establishing minimum standards for fixed base operators at the Asheville Airport.

Action on this was postponed at the request of the Chairman of the Aviation Committee of the Chamber of Commerce.

FEES - RECREATIONAL FACILITIES

12. Consideration of a resolution establishing a policy for the administration of fees at various recreation facilities of the City of Asheville.

Resolution No. 70-34 was, upon motion of Councilman Atkinson, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 448.

PROCLAMATION - BOWLING WEEK

Proclamation by the Mayor declaring the week of April 6th through 12th Bowling Week.

The Mayor read the proclamation, and advised that Council members are invited to attend the bowling championships at two Asheville bowling establishments next week.

ORDINANCE NO. 665 - AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT DWELLING HOUSE KNOWN AS 209 EAST CHESTNUT STREET AND OWNED BY R. P. Decker

Ordinance No. 665, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT DWELLING HOUSE KNOWN AS 209 EAST CHESTNUT STREET

Yeas: Councilmen Colton, Keleher, Dailey, Atkinson and Vice-Mayor Anderson.

Nays: None

Thereupon the resolution entitled "RESOLUTION PROVIDING FOR THE ISSUANCE OF $1,400,000 REDEVELOPMENT BONDS" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

LEGAL OPINION PRINTED UPON BONDS

9. Consideration of a resolution authorizing the printing of legal opinion on $1,400,000 Redevelopment Bonds to be issued under date of May 1, 1970.

Thereupon Councilman Keleher introduced in written form the following resolution which was read:

RESOLUTION AUTHORIZING THE PRINTING OF LEGAL OPINION ON $1,400,000 REDEVELOPMENT BONDS TO BE ISSUED UNDER DATE OF MAY 1, 1970.

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. There shall be printed on the reverse of each of the $1,400,000 Redevelopment Bolnds to be issued by the City of Asheville under date of May 1, 1970, the legal opinion of Mitchell, Petty & Shetterly, Bond Counsel to the City of Asheville, with respect to the validity of said bonds, and that there shall be printed immediately following such legal opinion a certificate signed with the facsimile signature of the Mayor of the City of Asheville substantially as follows:

"I hereby certify that the foregoing is a true and correct copy of the legal opinion on the bonds therein described which was manually signed by Mitchell, Petty & Shetterly, New York, N. Y., and was dated as of the date of delivery of and payment for said bonds.

(Facsimile Signature)
Mayor of the
City of Asheville, North Carolina."

Section 2. This resolution, being a resolution directing administrative action, shall take effect immediately.

Mayor

Approved as to form:

City Clerk

Corporation Counsel

Upon motion of Councilman Keleher, seconded by Councilman Colton, the foregoing resolution entitled: "RESOLUTION AUTHORIZING THE PRINTING OF LEGAL OPINION ON $1,400,000 REDEVELOPMENT BONDS TO BE ISSUED UNDER DATE OF MAY 1, 1970" was passed by the following vote:

Yeas: Councilmen Colton, Keleher, Dailey, Atkinson, and Vice-Mayor Anderson

Nays: None

Thereupon the resolution entitled: "RESOLUTION AUTHORIZING THE PRINTING OF

The City Manager outlined the timing of street repair expenditures and explained that the State has a schedule of resurfacing which will take place in the early summer, and that the City will commence street repairs as soon as weather permits and hot asphalt is available.

RACE TRACK - AMBOY ROAD - COMPLAINT

Mrs. F. M. Elrod complained about the race track being operated on Amboy Road, and this matter was referred to the City Manager, Corporation Counsel and Chief of Police to see if there is any remedy.

MODEL CITY FUNDS - DISCUSSION

Mr. Don Harrison of HUD in Atlanta discussed the use of Model City funds in categorical grant in aid programs, and advised how federal money had been attracted to other cities.

Adjournment

VICE-MAYOR

CITY CLERK

AND OWNED BY R. P. TUCKER", was, upon motion of Councilman Keleher, seconded by Councilman Colton, unanimously passed on its first reading.

The Clerk was directed to send a copy of the ordinance to the owner.

TRASH AND BRUSH COLLECTION - DISCUSSION

The Vice-Mayor called attention to a lot on Merrimon Avenue between the Cheese Shop and the Expressway which is badly in need of cleaning, and this was referred to Mr. Kilpatrick, the Physical Environment Inspector.

Councilman Atkinson discussed the matter of trash and brush collection, advising that he would be in favor of buying a new truck if this would help, and suggesting the hiring of high school students and college students to help with this work.

The City Manager advised that the problem is shortage of labor, and Mr. McHone discussed absenteeism and garbage collection.

Councilman Atkinson recommended that Mr. Horton and Mr. McHone get together and see what can be done to aid in this situation.

SALES TAX - USE OF TO PAY DEBT SERVICE

Councilman Atkinson moved that the Corporation Counsel be instructed to draw a resolution to the effect that debt service on Civic Center Bonds be paid out of sales tax revenues and have this ready for the meeting of the Council on the 13th, which motion was seconded by Councilman Dailey and unanimously adopted.

BONDS - REPORT OF CITY MANAGER

The City Manager reported that the division of the bonds was $1,850,000 for Auditorium bonds, and $150,000 for Civic Center Bonds; that the referendum could be held on May 26th, and that the contractors will remain obligated by their bids until May 27th.

THE PLACE, 795 HAYWOOD ROAD

Councilman Atkinson discussed a business being carried on at 795 Haywood Road called The Place, advising that this is very disturbing to the neighborhood and recommended to the Councilin the form of a motion that the State ABC Board not issue a license to this location, which motion was seconded by Councilman Dailey and unanimously adopted.

SUPERVISORY PERSONNEL - OVERTIME PAY

Councilman Atkinson brought up the matter of overtime pay for supervisory personnel during the cold weather emergency, and moved that overtime pay for hours worked be taken from the contingency fund, and that the City Manager be authorized to so proceed, which motion was seconded by Councilman Keleher and unanimously adopted.

STREETS - DISCUSSION

Councilman Dailey discussed the matter of the condition of city streets, advising that the city should have a program of repairing said streets.

ORDINANCE NO. 664 - AN ORDINANCE EXTENDING CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY

4. Third reading of Ordinance No. 664 annexing the property of Peter Feistman of Dwellings, Ltd., which lies immediately south of Wyatt Street and east of Brooklyn Road.

Said Ordinance No. 664 was unanimously passed on its third and final reading.

ORDINANCE NO. [illegible] AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT DWELLING HOUSE KNOWN AS [illegible] EAST CHESTNUT STREET AND OWNED BY R. P. TUCKER

5. Second reading of Ordinance No. 665 directing the Housing Officer and Building Inspector to demolish that dwelling house known as 209 East Chestnut Street and owned by R. P. Tucker.

Said Ordinance No. 665 was unanimously passed on its second reading

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS - DISPENSED WITH

Councilman Anderson moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Colton and unanimously adopted

ORDINANCE NO. [illegible] - AN ORDINANCE DIRECTING THE HOUSING OFFICER AND BUILDING INSPECTOR TO DEMOLISH THAT DWELLING HOUSE KNOWN AS [illegible] EAST CHESTNUT STREET AND OWNED BY R. P. Tucker

Said Ordinance was unanimously passed on its third and final reading.

ORDINANCE NO. [illegible] - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Ordinance No. 666, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Anderson, seconded by Councilman Colton, unanimously passed on its first reading.

PLANNING AND ZONING COMMISSION - RECOMMENDATIONS [illegible] Ward [illegible], Sheet [illegible]

6. Reading of a letter from the Planning and Zoning Commission recommend-

Regular Meeting Thursday, April 9, 1970 - 3:00 o'clock P. M.

A regular meeting of the Council of the City of Asheville, North Carolina, was held at the City Hall, the regular place of meeting, at 3:00 o'clock P. M., on April 9, 1970.

Present: Mayor Wayne S. Montgomery, presiding, and Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson.

Absent: None

1. Approval of minutes of the meeting of April 2, 1970.

The minutes were approved as submitted.

PUBLIC HEARING ON ZONING OF PROPERTY OF DWELLINGS, LTD.

2. Public hearing on the zoning of the property of Dwellings, Ltd., which lies immediately south of Wyatt Street and east of Brooklyn Road, which is in the process of being annexed into the City of Asheville to RA-6 Residential District.

The City Manager advised that after due advertisement today is the date set for the public hearing, and the Mayor opened said public hearing at 3:12. There being no opposition the public hearing was closed at 3:15.

SITE PLAN -PROJECT NC 7-12 FOR ASHEVILLE HOUSING AUTHORITY

3. Public hearing on the site plan of Project NC 7-12 prepared by Weigman, Hall, Architects and Associates, Inc. for the Asheville Housing Authority, which lies at the end of Montford Avenue.

The City Manager advised that after due advertisement today is the date set for the public hearing, and the Mayor opened said public hearing at 3:16.

Speaking in favor of said site plan were Mr. Jack Stewart, Chairman of the Asheville Housing Authority; Francis Coyle and Ethel J. Steele.

Speaking in opposition to said site plan were Clarence N. Gilbert, representing residents of the area with a petition signed by 391 persons; John White, representing the Executive Board of the Montford Community Club; and William Lloyd.

Mr. Allen Butterworth explained his appraisal of the property.

The Mayor closed the puboic hearing at 4:05.

At the request of Councilman Dailey Reverend Armstrong gave his views on the project.

Mr. Doug Taylor of the Planning Department explained the variances.

The matter was discussed by members of the Council, and, following said discussion, Councilman Crouch moved that the Site Plan of NC 7-12 be approved as submitted, which motion was seconded by Councilman Keleher, and adopted with Councilman Atkinson voting no.

Section 1. That, pursuant to The Municipal Finance Act, 1921, as amended, the City of Asheville, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Auditorium Bonds in an aggregate principal amount not exceeding $1,850,000 for the purpose of providing funds, with the proceeds of $4,000,000 Auditorium Bonds authorized by an ordinance passed on October 19, 1967 and approved by a majority of the qualified voters of said City who voted thereon at a special election held on December 5, 1967 and any other available funds, for erecting an auditorium building, with facilities for public gatherings, exhibitions, amusements and athletic events and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary lands, apparatus, fixtures and equipment.

Section 2. That a tax sufficient to pay the principal of and the interest on said bonds shall be annually levied and collected.

Section 3. That a statement of the debt of the City has been filed with the Clerk and is open to public inspection.

Section 4. That this ordinance shall take effect when approved by the voters of the City at an election as provided in said Act.

Approved as to form.

Mayor

Corporation Counsel

City Clerk

CIVIC ARTS CENTER BONDS

Thereupon Councilman Anderson introduced the following written form of ordinance authorizing bonds which was read.

ORDINANCE AUTHORIZING
$[illegible],000 CIVIC ARTS CENTER BONDS

BE IT ORDAINED by the Council of the City of Asheville:

Section 1. That, pursuant to The Municipal Finance Act, 1921, as amended, the City of Asheville, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Civic Arts Center Bonds in an aggregate principal amount not exceeding $[illegible], for the purpose of providing funds, with the proceeds of $1,[illegible],000 Civic Arts Center Bonds authorized by ordinance passed on October 19, 1967 and approved by a majority of the qualified voters of said City who voted thereon at a special bond election held on December 5, 1967 and any other available funds, for constructing a municipal civic arts center, including erection of a theater, amphitheater, concert hall, art museum, museums of history and natural history and incidental facilities, approaches, plazas, entrances, ways, streets, and the acquisition of necessary land, apparatus, fixtures and equipment.

Section 2. That a tax sufficient to pay the principal of and the interest on said bonds shall be annually levied and collected.

Section 3. That a statement of the debt of the City has been filed with the Clerk and is open to public inspection.

ing that property at the corner of Carroll Avenue and New Street be rezoned from Commercial District to RA-6 Residential District.

Upon motion of Councilman Anderson, seconded by Councilman Atkinson and unanimously adopted the City Clerk was directed to advertise for a public hearing at petitioner's expense.

PLANNING AND ZONING COMMISSION - RECOMMENDATION (Lot 20, 21, 40-1.2, part of 40, Sheet 6, Ward 8)

7. Reading of a letter from the Planning and Zoning Commission recommending that property at 192 Swannanoa Road be rezoned from RA-6 Residential District to Industrial District.

Mr. Paul Smith spoke in favor of said rezoning

Upon motion of Councilman Keleher, seconded by Councilman Dailey and unanimously adopted the City Clerk was directed to advertise for a public hearing at petitioner's expense.

PLANNING AND ZONING COMMISSION - RECOMMENDATION (Lots 49-1.2 and 78-1.4, 50-3.4, 49 and 73, Ward 8, Sheet 15)

8. Reading of a letter from the Planning and Zoning Commission recommending that 771 Tunnel Road and adjacent Lots 50-3/4, 49 and 73, Ward 8, Sheet 15 be rezoned from RA-6 Residential District to Roadside Business Area.

Upon motion of Councilman Crouch, seconded by Councilman Anderson and unanimously adopted the City Clerk was directed to advertise for a public hearing at city expense.

ZONING ORDINANCE - AMENDMENT REQUESTED (Lots 64 1/4, 81, 83, 84, 147 and 130, Sheet 14, Ward 6, New Lot Numbers Tax Lot 12 1/4, Sheet 14, Ward 6

9. Consideration of a petition from R. L. Coleman and wife that Tax Lots 64 1/4, 81, 83, 84, 147 and 130, Sheet 14, Ward 6, Druid Drive, be rezoned from RA-6 Residential District to Neighborhood Trading Area.

Councilman Anderson moved that this petition be tabled pending the outcome of court action, which motion was seconded by Councilman Crouch and unanimously adopted.

AUDITORIUM BONDS

10. Consideration of Ordinances authorizing $1,850,000 Auditorium Bonds and $150,000 Civic Arts Center Bonds to take effect only when approved by the voters of the city.

Councilman Anderson introduced in written form the following ordinance authorizing bonds which was read:

ORDINANCE AUTHORIZING
$1,850,000 AUDITORIUM BONDS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 5. That a statement of the debt of the City has been filed with the Clerk and is open to public inspection.

Section 6. That this ordinance shall take effect when approved by the voters of the City at an election as provided in The Municipal Finance Act, 1921, as amended. A failure on the part of the voters to approve this ordinance (permitting an interest rate greater than six per centum (6%) per annum) shall not affect the authority of the City to issue said Auditorium Bonds bearing interest not in excess of six per centum (6%) per annum as authorized by the ordinance passed by the Council on October 19, 1967 and approved by the voters on December 5, 1967

Approved as to form.

Mayor

Corporation Counsel

CITY Clerk

[illegible] CIVIC ARTS CENTER
[illegible] INTEREST RATE

Thereupon Councilman Anderson introduced in written form the following ordinance authorizing bonds which was read:

ORDINANCE AUTHORIZING $1,300,000 CIVIC ARTS CENTER BONDS HERETOFORE AUTHORIZED AND APPROVED AT AN ELECTION TO BE ISSUED BEARING INTEREST AT SUCH RATE OR RATES AS THE COUNCIL SHALL DETERMINE

BE IT ORDAINED by the Council of the City of Asheville:

Section 1. That it is hereby found, determined and declared (a) that an ordinance authorizing $1,300,000 Civic Arts Center Bonds was passed by the Council of the City of Asheville on October 19, 1967 and approved by a majority of the voters of the City who voted on December 5, 1967, (b) that at the time said ordinance was approved by the voters, The Municipal Finance Act, 1921, contained a maximum interest rate limitation on bonds of six per centum (6%) per annum, and (c) that Chapter 686 of the 1969 Session Laws, ratified June 2, 1969, amended The Municipal Finance Act by deleting the six per centum (6%) per annum interest rate limitation and providing that the rate or rates of interest bonds shall bear shall be fixed by resolution of the governing body of the issuing municipality.

Section 2. It is hereby further found, determined and declared that because of the increase in interest rates in the municipal bond market generally, there is more question as to whether all or any part of said bonds can be sold at interest rates within said six per centum (6%) per annum limitation, and it is advisable and proper that there be submitted to the voters the question of authorizing the issuance of said bonds approved at said election on December 5, 1967 to bear interest at such rate or rates as the Council shall determine whether or not in excess of six per centum (6%) per annum.

Section 3. That said Civic Arts Center Bonds, in an aggregate principal amount not exceeding $1,300,000 authorized by an ordinance passed by the Council of the City of Asheville on October 19, 1967 and approved by a majority of the voters of the City who voted thereon on December 5, 1967, for the purpose of providing funds, with any other available funds, for constructing a municipal civic arts center, including the erection of a theater, amphitheater, concert halls, art museum, museums of history and natural history and incidental facilities, approaches, plazas,

Section 4. That this ordinance shall take effect when approved by the voters of the City at an election as provided in said Act.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

$4,000,000 AUDITORIUM BONDS - INTEREST RATE

Thereupon Councilman Colton introduced in written form the following ordinance authorizing bonds which was read:

ORDINANCE AUTHORIZING $4,000,000 AUDITORIUM BONDS HERETOFORE AUTHORIZED AND APPROVED AT AN ELECTION TO BE ISSUED BEARING INTEREST AT SUCH RATE OR RATES AS THE COUNCIL SHALL DETERMINE

BE IT ORDAINED by the Council of the City of Asheville:

Section 1. That it is hereby found, determined and declared (a) that an ordinance authorizing $4,000,000 Auditorium Bonds was passed by the Council of the City of Asheville on October 19, 1967 and approved by a majority of the voters of the Town who voted on December 5, 1967, (b) that the City has borrowed money in anticipation of the receipt of the proceeds of the sale of said bonds and has issued bond anticipation notes in evidence of such borrowing which are now outstanding (c) that at the time said ordinance was approved by the voters, The Municipal Finance Act, 1921, contained a maximum interest rate limitation on bonds of six per centum (6%) per annum, and (d) that Chapter 686 of the 1969 Session Laws, ratified June 2, 1969, amended The Municipal Finance Act by deleting the six per centum (6%) per annum interest rate limitation and providing that the rate or rates of interest bonds shall bear shall be fixed by resolution of the governing body of the issuing municipality.

Section 2. It is hereby further found, determined and declared that because of the increase in interest rates in the municipal bond market generally, there is some question as to whether all or any part of said bonds can be sold at interest rates within said six per centum (6%) per annum limitation, and it is advisable and proper that there be submitted to the voters the question of authorizing the issuance of said bonds approved at said election on December 5, 1967 to bear interest at such rate or rates as the Council shall determine whether or not in excess of six per centum (6%) per annum.

Section 3. That said Auditorium Bonds, in an aggregate principal amount not exceeding $4,000,000 authorized by an ordinance passed by the Council of the City of Asheville on October 19, 1967 and approved by a majority of the voters of the City who voted thereon on December 5, 1967, for the purpose of providing funds, with any other vaailable funds, for erecting an auditorium building, with facilities for public gatherings, exhibitions, amusements and athletic events and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment, be issued bearing interest at such rate or rates as the Council shall determine whether or not in excess of six per centum (6%) per annum.

Section 4. That a tax sufficient to pay the principal of and the interest on said bonds bearing interest as so determined shall be annually levied and collected.

Thereupon the City Manager filed with the City Clerk, in the presence of the Council, the statement of indebtedness and assessed valuation as so required, which statement is attached to and made a part of these minutes.

STATEMENT OF DEBT AND ASSESSED VALUATION OF THE CITY OF ASHEVILLE, NORTH CAROLINA, MADE PURSUANT TO THE MUNICIPAL FINANCE ACT, 1921, AS AMENDED.

I, Phin Horton III, City Manager of the City of Asheville, North Carolina, having been designated by the Council of said City to make and file with the City Clerk a statement pursuant to The Municipal Finance Act, 1921, as amended, DO HEREBY CERTIFY that the following is a true statement of said City as shown by the books in my office, not taking into consideration any debt incurred in anticipation of the collection of taxes or in anticipation of the sale of bonds:

(a) GROSS DEBT

a(1) Outstanding debt, not evidenced by bonds..... $.....

a(2) Outstanding bonded debt:

Date of Issue	Designation	Amount	
7-1-36	General Refunding	$6,905,485	
7-1-36	Water Refunding	2,410,546	
12-1-51	Water Bonds of 1951	1,755,000	
12-1-51	Airport Bonds	445,000	
6-1-60	Airport Bonds	10,000	
11-1-61	Water Bonds of 1961	3,760,000	
6-1-64	Grade Separation Bonds	180,000	
6-1-64	Public Improvement Bonds	415,000	
11-1-66	Municipal Vehicle Bonds	660,000	
	Assumed Water & Sewer Districts	334,255	
	TOTAL BONDED DEBT		$16,850,286...

a(3) Bonded debt to be incurred under ordinances passed on October 19, 1967.

Auditorium Bonds	$4,000,000
Redevelopment Bonds	1,400,000
Civic Arts Center Bonds...	1,300,000

Bonded debt to be incurred under ordinances introduced on April 9, 1968

Auditorium Bonds...	$1,850,000	
Civic Arts Center Bonds... .	150,000	$ 8,700,000

(a) GROSS DEBT, being the sum of a(1), a(2) and a(3)..... .....$25,550,286

entrances, ways, streets, and the acquisition of necessary land, apparatus, fixtures and equipment, be issued bearing interest at such rate or rates as the Council shall determine whether or not in excess of six per centum (6%) per annum.

Section 4. That a tax sufficient to pay the principal of and the interest on said bonds bearing interest as so determined shall be annually levied and collected.

Section 5. That a statement of the debt of the City has been filed with the Clerk and is open to public inspection.

Section 6. That this ordinance shall take effect when approved by the voters of the City at an election as provided in The Municipal Finance Act, 1921, as amended. A failure on the part of the voters to approve this ordinance (permitting an interest rate greater than six per centum (6%) per annum) shall not affect the authority of the City to issue said Civic Arts Center Bonds bearing interest not in excess of six per centum (6%) per annum as authorized by the ordinance passed by the Council on October 19, 1967 and approved by the voters on December 5, 1967.

Approved as to form:

_____
Corporation Counsel

_____
Mayor

_____
City Clerk

CITY MANAGER TO PREPARE AND FILE SWORN STATEMENT OF DEBT AND ASSESSED VALUATION

Thereupon Councilman Dailey introduced in written form the following resolution which was read:

RESOLUTION DESIGNATING THE CITY MANAGER TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT AND ASSESSED VALUATION

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the City Manager be and he is hereby designated as the officer who shall prepare and file with the City Clerk the sworn statement of the indebtedness and assessed valuation of the City of Asheville which The Municipal Finance Act, 1921, as amended, requires to be filed after the introduction and before the passage of bond ordinances.

Section 2. That this resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form.

_____
Corporation Counsel

_____
Mayor

_____
City Clerk

Upon motion of Councilman Dailey, seconded by Councilman Anderson, the foregoing resolution entitled, "RESOLUTION DESIGNATING THE CITY MANAGER TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT AND ASSESSED VALUATION" was passed by the following vote:

Yeas: Councilmen Colton, Crouch, Keleher, Anderson, Dailey, Atkinson and Mayor Montgomery.

Nays: None

DEDUCTIONS (b).....$.14,821,740...

(d) ASSESSED VALUATION

(d) ASSESSED VALUATION of property as last fixed for municipal taxation, being the valuation fixed in 1969.....$302,961,047....

(e) DEBT RATIO

(e) Percentage which the net debt bears to said assessed valuation ..... .8922 %

The foregoing statement is true.

Phil. Horton, III
City Manager of the
City of Asheville

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE) ss.

Subscribed and sworn to before me this 9th day of April, 1970.

Lillian Ducker
Notary Public

(Seal) My commission expires Dec. 16, 1970.

I, Margaret Simmons, City Clerk of the City of Asheville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of a statement filed with me at a meeting of the Council of said City on April 9, 1970, after the introduction and before the passage of four ordinances authorizing bonds of said City, and that said statement is open to public inspection in my office.

WITNESS my hand and the corporate seal of said City, this 10 day of April, 1970.

Margaret Simmons
City Clerk

(Seal)

CHARTER REQUIREMENT THAT ORDINANCES BE READ ON THREE SEPARATE DAYS - DISPENSED WITH

Thereupon, upon motion of Councilman Crouch, seconded by Councilman Keleher, the requirement of the Charter that ordinances be read on three separate days was dispensed with by the following vote, being not less than two-thirds of the members of the Council.

Yeas. Councilmen Colton, Crouch, Keleher, Anderson, Dailey, Atkinson and Mayor Montgomery

Nays. None

$1,850,000 AUDITORIUM BONDS

Thereupon, upon motion of Councilman Anderson, seconded by Councilman Dailey, the ordinance entitled: "ORDINANCE AUTHORIZING $1,850,000 AUDITORIUM

(b) DEDUCTIONS

b(1) Unissued funding or refunding bonds included in Gross Debt.....$.....

b(2) Sinking funds or other funds held for the payment of any part of the grossdebt other than debt incurred for schools, water, gas, electric light or power purposes or two or more of said purposes.....$....2,803,000..

b(3) Uncollected special assessments heretofore levied on account of local improvements for which any part of the gross debt was or is to be incurred, and which will be applied when collected to the payment of some part of the gross debt.....$.....

b(4) Amount, as estimated by the City Manager, of special assessments to be levied on account of local improvements for which any part of the gross debt was or is to be incurred and which when collected will be applied to the payment of some part of the gross debt.....$.....

b(5) Bonded debt included in gross debt and incurred or to be incurred for water, gas, electric light or power purposes or two or more of said purposes.....$....7,925,546...

b(6) The amount which the City will be entitled to receive from any railroad or street railway company under contract heretofore made for payment by such company of all or a portion of the cost of eliminating a grade crossing or crossings within the City, which amount will be applied, when received, to the payment of some part of the gross debt.....$.....

b(7) Indebtedness included in gross debt and incurred for school purposes.....$.....

(b) DEDUCTIONS, being the sum of b(1), b(2), b(3), b(4), b(5), b(6) and b(7).....$.10,728,546.....

(c) NET DEBT

(c) NET DEBT, being the difference between the GROSS DEBT (a) and the

$4,000,000 AUDITORIUM BONDS - INTEREST RATE

Thereupon, upon motion of Councilman Colton, seconded by Councilman Crouch, the ordinance entitled: "ORDINANCE AUTHORIZING $4,000,000 AUDITORIUM BONDS HERETOFORE AUTHORIZED AND APPROVED AT AN ELECTION TO BE ISSUED BEARING INTEREST AT SUCH RATE OR RATES AS THE COUNCIL SHALL DETERMINE", as hereinabove set forth, was read a third time and was passed upon its third and final reading by the following vote:

Yeas. Councilmen Colton, Crouch, Keleher, Anderson, Dailey, Atkinson and Mayor Montgomery.

Nays. None

$1,300,000 CIVIC ARTS CENTER BONDS - INTEREST RATE

Thereupon, upon motion of Councilman Anderson, seconded by Councilman Keleher, the ordinance entitled: "ORDINANCE AUTHORIZING $1,300,000 CIVIC ARTS CENTER BONDS HERETOFORE AUTHORIZED AND APPROVED AT AN ELECTION TO BE ISSUED BEARING INTEREST AT SUCH RATE OR RATES AS THE COUNCIL SHALL DETERMINE", as hereinabove set forth, was read a second time and was passed upon its second reading by the following vote:

Yeas: Councilmen Colton, Crouch, Keleher, Anderson, Dailey, Atkinson and Mayor Montgomery.

Nays. None

$1,300,000 CIVIC ARTS CENTER BONDS - INTEREST RATE

Thereupon, upon motion of Councilman Anderson, seconded by Councilman Keleher, the ordinance entitled: "ORDINANCE AUTHORIZING $1,300,000 CIVIC ARTS CENTER BONDS HERETOFORE AUTHORIZED AND APPROVED AT AN ELECTION TO BE ISSUED BEARING INTEREST AT SUCH RATE OR RATES AS THE COUNCIL SHALL DETERMINE", as hereinabove set forth was read a third time and was passed upon its third and final reading by the following vote:

Yeas. Councilmen Colton, Crouch, Keleher, Anderson, Dailey, Atkinson and Mayor Montgomery.

Nays. None

Thereupon the ordinances entitled "ORDINANCE AUTHORIZING $1,850,000 AUDITORIUM BONDS", "ORDINANCE AUTHORIZING $150,000 CIVIC ARTS CENTER BONDS", "ORDINANCE AUTHORIZING $4,000,000 AUDITORIUM BONDS HERETOFORE AUTHORIZED AND APPROVED AT AN ELECTION TO BE ISSUED BEARING INTEREST AT SUCH RATE OR RATES AS THE COUNCIL SHALL DETERMINE"AND "ORDINANCE AUTHORIZING $1,300,000 CIVIC ARTS CENTER BONDS HERETOFORE AUTHORIZED AND APPROVED AT AN ELECTION TO BE ISSUED BEARING INTEREST AT SUCH RATE OR RATES AS THE COUNCIL SHALL DETERMINE" and the resolution entitled "RESOLUTION DESIGNATING THE CITY MANAGER TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT AND ASSESSED VALUATION" were authenticated by the signatures of the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said ordinances and said resolution his approval of the forms thereof.

CITY CLERK TO PUBLISH ORDINANCES

Thereupon, upon motion made by Councilman Crouch, seconded by Councilman Anderson, and adopted, the City Clerk was directed to publish each of said ordi-

BONDS", as hereinabove set forth, was read a second time and was passed upon its second reading by the following vote:

Yeas: Councilmen Colton, Crouch, Keleher, Anderson, Dailey, Atkinson and Mayor Montgomery.

Nays: None

$1,850,000 AUDITORIUM BONDS

Thereupon, upon motion of Councilman Anderson, seconded by Councilman Dailey, the ordinance entitled: "ORDINANCE AUTHORIZING $1,850,000 AUDITORIUM BONDS" as hereinabove set forth was read a third time and was passed upon its third and final reading by the following vote:

Yeas: Councilmen Colton, Crouch, Keleher, Anderson, Dailey, Atkinson and Mayor Montgomery.

Nays: None

$150,000 CIVIC ARTS CENTER BONDS

Thereupon, upon motion of Councilman Anderson, seconded by Councilman Dailey, the ordinance entitled: "ORDINANCE AUTHORIZING $150,000 CIVIC ARTS CENTER BONDS" as hereinabove set forth, was read a second time and was passed upon its second reading by the following vote:

Yeas: Councilmen Colton, Crouch, Keleher, Anderson, Dailey, Atkinson and Mayor Montgomery.

Nays. None

$150,000 CIVIC ARTS CENTER BONDS

Thereupon, upon motion of Councilman Anderson, seconded by Councilman Dailey, the ordinance entitled "ORDINANCE AUTHORIZING $150,000 CIVIC ARTS CENTER BONDS" as hereinabove set forth was read a third time and was passed upon its third and final reading by the following vote:

Yeas: Councilmen Colton, Crouch, Keleher, Anderson, Dailey, Atkinson and Mayor Montgomery.

Nays: None

$4,000,000 AUDITORIUM BONDS - INTEREST RATE

Thereupon, upon motion of Councilman Colton, seconded by Councilman Crouch, the ordinance entitled: "ORDINANCE AUTHORIZING $4,000,000 AUDITORIUM BONDS HERETOFORE AUTHORIZED AND APPROVED AT AN ELECTION TO BE ISSUED BEARING INTEREST AT SUCH RATE OR RATES AS THE COUNCIL SHALL DETERMINE", as hereinabove set forth, was read a second time and was passed upon its second reading by the following vote:

Yeas: Councilmen Colton, Crouch, Keleher, Anderson, Dailey, Atkinson and Mayor Montgomery.

Nays. None

other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Civic Arts Center Bonds in an aggregate principal amount not exceeding $150,000 for the purpose of providing funds, with the proceeds of $1,300,000 Civic Arts Center Bonds authorized by an ordinance passed on October 19, 1967 and approved by a majority of the qualified voters of said City who voted thereon at a special bond election held on December 5, 1967, and any other available funds for constructing a municipal civic arts center, including the erection of a theater, amphitheater, concert halls, art museum, museums of history and natural history and incidental facilities, approaches, plazas, entrances, ways, streets, acquisition of necessary land, apparatus, fixtures and equipment, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved.

3. Shall an ordinance passed on April 9, 1970, (a) authorizing the issuance at such interest rate or rates as the Council of the City of Asheville shall determine, whether or not in excess of six per centum (6%) per annum, of the Auditorium Bonds, in an aggregate principal amount of $5,000,000, authorized by an ordinance passed by the Council on October 19, 1967 and approved by voters of the City who voted thereon on December 5, 1967, for the purpose of providing funds, with any other available funds, for erecting an auditorium building, with facilities for public gatherings, exhibitions, amusements and athletic events and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment, and (b) authorizing the levy and collection of a tax sufficient to pay the principal of and the interest on said bonds bearing interest as so determined, be approved. (The Municipal Finance Act at the time of said election on December 5, 1967 contained a maximum interest rate limitation applicable to said bonds of six per centum (6%) per annum; it was later amended to provide that bonds issued thereunder should bear interest at such rate or rates as the governing body of the municipality shall determine. A failure on the part of the voters to approve said ordinance of April 9, 1970 shall not affect the authority of the City to issue said Auditorium Bonds, bearing interest not in excess of six per centum (6%) per annum as authorized by the ordinance of October 19, 1967.)

4. Shall an ordinance passed on April 9, 1970, (a) authorizing the issuance of such interest rate or rates as the Council of the City of Asheville shall determine, whether or not in excess of six per centum (6%) per annum, of the Civic Arts Center Bonds, in an aggregate principal amount of $1,300,000, authorized by an ordinance passed by the Council on October 19, 1967 and approved by voters of the City who voted thereon on December 5, 1967, for the purpose of providing funds, with any other available funds, for constructing a municipal civic arts center, including the erection of a theater, amphitheater, concert halls, art museum, museums of history and natural history and incidental facilities, approaches, plazas, entrances, ways, streets and the acquisition of necessary land, apparatus fixtures and equipment, (b) authorizing the levy and collection of a tax sufficient to pay the principal of and the interest on said bonds bearing interest as so determined, be approved. (The Municipal Finance Act at the time of said election on December 5, 1967 contained a maximum interest rate limitation applicable to said bonds of six per centum (6%) per annum; it was later amended to provide that bonds issued thereunder should bear interest at such rate or rates as the governing body of the municipality shall determine. A failure on the part of the voters to approve said ordinance of April 9, 1970 shall not affect the authority of the City to

nances in The Asheville Times, once in each of two successive weeks, and to publish at the foot of each of said ordinances the appended note as required by The Municipal Finance Act, 1921, as amended.

SPECIAL BOND ELECTION CALLED

Thereupon Councilman Anderson introduced the following resolution which was read:

RESOLUTION CALLING A SPECIAL BOND ELECTION

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. A special bond election is hereby called to be held on Tuesday, May 26, 1970, between 6:30 A. M. and 6:30 P. M., at which there shall be submitted to the qualified voters of the City of Asheville the questions stated in the notice of election set forth in Section 3 of this resolution.

Section 2. For said election the regular registration books for elections in Buncombe County shall be used, and the registration books, process or records shall be open for the registration of voters and for public inspection in the manner and under the conditions and at the times and places set forth in the Notice of Special Bond Election hereinafter provided for. For said election the registrars and judges appointed by the County Board of Elections shall act as registrars and judges, respectively.

Section 3. Notice of said election shall be published in The Asheville Times, at least 30 days before the date hereinabove fixed for the closing of the registration books, and again not later than 20 days before the election, reading substantially as follows:

NOTICE OF SPECIAL BOND ELECTION
and
SUPPLEMENTAL REGISTRATION
in the
CITY OF ASHEVILLE, NORTH CAROLINA

A special bond election will be held between 6:30 A. M., and 6:30 P. M., Tuesday, May 26, 1970, at which there will be submitted to the qualified voters of the City of Asheville the following questions:

1. Shall an ordinance passed on April 9, 1970, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Auditorium Bonds in an aggregate principal amount not exceeding $1,850,000 for the purpose of providing funds, with the proceeds of $4,000,000 Auditorium Bonds authorized by an ordinance passed on October 19, 1967 and approved by a majority of the qualified voters of said City who voted thereon at a special bond election held on December 5, 1967 and any other available funds for erecting an auditorium building, with facilities for public gatherings, exhibitions, amusements and athletic events and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

2. Shall an ordinance passed on April 9, 1970, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all

PRECINCT	VOTING PLACE	REGISTRARS	JUDGES
9	Murphy Community Center	Mrs. Ruth Kerley	Paul R. Williams Jack McGuinn
10	Livingston Street School	Chester A. Hayes	Isaac S. Simpson Clayton Harrison, Jr.
11	South French Broad High School	Mrs. Reba Harrison	Arthur Graham, Jr. Corrie N. Harris
12	Hall Fletcher School	George Simpson	Mrs. Polly Bradley H. R. Logan
15	Eugene Rankin School	Mrs. Doris Fisher	Mrs. Fairlee Taylor Marjorie Hagan
[illegible]	[illegible] School	Mrs. Pauline [illegible]	R. H. Zimmerman Mrs. Beulah Mauldin
[illegible]	[illegible] School	Mrs. J. H. [illegible]	Horace W. Smith Mrs. Gwendolyn Hancock
[illegible]	West Asheville Fire Station	Mrs. Grace P. [illegible]	Mrs. Richard Krichan Mrs. William W. Boyd
17	325 Charlotte Street	Mrs. A. H. Jones, Jr.	Mrs. Evelyn Whitaker Mrs. Charlotte Saenger

By order of the Council of the City of Asheville, this 9th day of April, 1970.

Margaret Simmons
City Clerk

Section 2. The persons whose names are mentioned in the foregoing form of election notice have been appointed registrars and judges, respectively, by the County Board of Elections for the voting places therein set forth, and the election shall be held at such voting places.

Section 3. The forms of the questions to appear on the ballot frame of the voting machines which are to be used at said election shall be substantially as follows:

. . . . . .

YES — Shall an ordinance passed on April 9, 1970, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Auditorium Bonds in an aggregate principal amount not exceeding $1,8[illegible],000 for the purpose of providing funds, with the proceeds of $4,000,000 Auditorium Bonds authorized by an ordinance passed on October 19, 1967 and approved by a majority of the qualified voters of said City who voted thereon at a special bond election held on December 5, 1967 and any other available funds, for erecting an auditorium building, with facilities for public gatherings, exhibitions, amusements and athletic events and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved:

SPECIAL BOND ELECTION

TUESDAY

May 26, 1970

. . . . . .

issue said Civic Arts Center Bonds, bearing interest not in excess of six per centum (6%) per annum as authorized by the ordinance of October 19, 1967.)

The questions hereinabove set forth contain a statement of the purposes for which the bonds are authorized by the ordinances referred to in such questions.

If said bonds are issued a tax will be levied upon all taxable property in the City of Asheville for the payment of the principal of and the interest on said bonds.

For said election the regular registration books for elections in the County of Buncombe will be used and the registration books, process or records will continue to be open for registration of voters and the acceptance of registration applications between 9:00 A. M. and 5:00 P. M. (except on Saturdays and Sundays), at the office of the County Board of Elections at the County Courthouse in Asheville.

The registrars will not attend the voting place except on the date of the election.

The registration books will be open to public inspection by any voter of the City, between 9:00 A. M. and 5:00 P. M. on Tuesday, April 28, 1970 and on each Tuesday thereafter priot to the election in the office of the County Board of Elections at the County Courthouse in Asheville, and each such Tuesday is Challenge Day.

The last day for new registration of those not now registered under Buncombe County's permanent registration system is Friday, April 24, 1970.

Qualified voters who have moved residence from one precinct to another and have not transferred their registration should contact the County Board of Elections at its office in the County Courthouse in Asheville, or any registrar in the County, and transfer their registration.

The last day for transferring registration is Friday, April 24, 1970.

Qualified voters who are not certain whether they are registered should contact the County Board of Elections at the office of said Board in Asheville mentioned above.

The registrars and judges appointed by the County Board of Elections will act as registrars and judges, respectively. The precincts, the names of the registrars, the names of the judges and the voting places are as follows:

PRECINCT	VOTING PLACE	REGISTRARS	JUDGES
1	Courthouse	Mrs. Juanita Hennessee	John L. Ingle Mrs. Frances Street
2	William Randolph School	John H. Hall	Robert L. Harrell Reva M. Redman
3	Claxton School	Mrs. Ruby Earp	Mrs. M.H. Saunders Mrs. Helen Bowers
4	North Asheville Community Center	Mrs. Eugene Bartlett	Mrs. L.E. Addington Mrs. Graham Price
5	Ira B. Jones School	Mrs. Mary L. Batchelor	Mrs. Charles Dermid Mrs. Luther Oates
6	East Asheville Community Center	Mrs. Mary Flynn	Mrs. Frank Farrell Mrs. Loraine K. Bosse
7	Newton School	Mrs. Martha Shaw	Tom Posey Richard Burton
8	Biltmore School	Mrs. Edith G. Shuford	Mrs. Virginia Sudderth Boyce Meece

a municipal civic arts center, including the erection of a theater, amphitheater, concert halls, art museum, museums of history and natural history and incidental facilities, approaches, plazas, entrances, ways, streets, acquisition of necessary land, apparatus, fixtures and equipment, (b) authorizing the levy and collection of a tax sufficient to pay the principal of and the interest on said bonds bearing interest as so detemined, be approved

(The Municipal Finance Act at the time of said election on December 5, 1967 contained a maximum interest rate limitation applicable to said bonds of six per centum (6%)per annum, it was later amended to provide that bonds issued thereunder should bear interest at such rate or rates as the governing body of the municipality shall determine. A failure on the part of the voters to approve said ordinance of April 9, 197 shall not affect the authority of the City to issue said Civic Arts Center Bonds, bearing interest not in excess of six per centum (6%) per annum as authorized by the ordinance of October 19, 1967.)

Section 6. The Municipal Board of Elections is hereby authorized and directed to perform all of the duties necessary for the calling and holding of said special bond election.

Section 7. The City Clerk is hereby directed to immediately certify a copy of this resolution to said Municipal Board of Elections.

Section 8. This resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form.

Mayor

Corporation Counsel

City Clerk

The motion of Councilman Anderson, seconded by Councilman Crouch, the foregoing resolution entitled, "RESOLUTION CALLING A SPECIAL BOND ELECTION" was passed by the following vote.

Yeas. Councilmen Clinton, Crouch, Keleher, Anderson, Dailey, Atkinson and Mayor Montgomery.

Nays. None

Thereupon the resolution entitled "RESOLUTION CALLING A SPECIAL BOND ELECTION" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

HOUSING AUTHORITY - AMENDMENT TO COOPERATION AGREEMENT

The following resolution was introduced by Councilman Dailey, read in full and considered:

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENT TO COOPERATION AGREEMENT

WHEREAS, the Housing Authority of the City of Asheville (herein called the

2.

YES NO

SPECIAL BOND ELECTION

TUESDAY

May 26, 1970

Shall an ordinance passed on April 9, 1970, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Civi Arts Center Bonds in an aggregate principal amount not exceeding $150,000 for the purpose of providing funds, with the proceeds of $1,300,000 Civic Arts Center Bonds authorized by an ordinance passed on October 19, 1967 and approved by a majority of the qualified voters of said City who voted thereon at a special bond election held on December 5, 1967 and any other available funds, for constructing a municipal civic arts center, including the erection of a theater, amphitheater, concert halls, art museum, museums of history and natural history and incidental facilities, approaches, plazas, entrances, ways, streets, acquisition of necessary land, apparatus, fixtures and equipment, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

3.

YES NO

SPECIAL BOND ELECTION

TUESDAY

May 26, 1970

Shall an ordinance passed on April 9, 1970, (a) authorizing the issuance at such interest rate or rates as the Council of the City of Asheville shall determine, whether or not in excess of six per centum (6%) per annum of the Auditorium Bonds, in an aggregate principal amount of $4,000,000, authorized by an ordinance passed by the Council on October 19, 1967 and approved by voters of the City who voted thereon on December 5, 1967, for the purpose of providing funds, with any other available funds, for erecting an auditorium building, with facilities for public gatherings, exhibitions, amusements and athletic events and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment, and (b) authorizing the levy and collection of a tax sufficient to pay the principal of and the interest on said bonds bearing interest as so determined, be approved?
(The Municipal Finance Act at the time of said election on December 5, 1967 contained a maximum interest rate limitation applicable to said bonds of six per centum (6%) per annum; it was later amended to provide that bonds issued thereunder should bear interest at such rate or rates as the governing body of the municipality shall determine. A failure on the part of the voters to approve said ordinance of April 9, 1970 shall not affect the authority of the City to issue said Auditorium Bonds, bearing interest not in excess of six per centum (6%) per annum as authorized by the ordinance of October 19, 1967.)

4

YES NO

SPECIAL BOND ELECTION

Shall an ordinance passed on April 9, 1970, (a) authorizing the issuance at such interest rate or rates as the Council of the City of Asheville shall determine, whether or not in excess of six per centum (6%) per annum, of the Civic Arts Center Bonds, in an aggregate principal amount of $1,300,000, authorized by an ordinance passed by the Council on October 19, 1967 and approved by voters of the City who voted thereon on December 5, 1967, for the purpose of providing funds, with any other available funds, for constructing

Councilman Dailey moved that the foregoing resolution be adopted as introduced and read, which motion was seconded by Councilman Atkinson, and upon roll call the "ayes" and "Nays" were as follows:

Ayes	Navs
Councilmen Colton, Crouch, Keleher, Anderson, Dailey, Atkinson and Mayor Montgomery	None

The Mayor thereupon declared said motion carried and said resolution adopted.

Councilman Keleher then moved that the Council urge the Housing Authority to participate actively in the planning efforts of the Model Cities group, and direct its staff to attend meetings of Model Cities agencies with a view to the best use of these units and any others covered by the Cooperation Agreement, and that the City Clerk be directed to forward this motion to the Housing Authority, which motion was seconded by Councilman Dailey and unanimously adopted.

[illegible]

Councilman Anderson introduced the following resolution which was read:

RESOLUTION PROVIDING FOR THE
ISSUANCE OF $[illegible] AUDITORIUM
BOND ANTICIPATION NOTES

BE IT RESOLVED by the Council of the City of Asheville.

Section 1. The Council has determined and does hereby find and declare:

(a) That an ordinance authorizing $4,000,000 Auditorium Bonds was passed by the Council of the City of Asheville on October 19, 1967, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held on December 5, 1967.

(b) That none of said bonds has been issued and that there are outstanding $1,000,000 Auditorium Bond Anticipation Notes which were issued in anticipation of the receipt of the proceeds of a like amount of said bonds, which notes are dated October 22, 1968, mature on April 22, 1970 and bear interest at the rate of 5.65% per annum.

Section 2. In anticipation of the receipt of the proceeds of a like amount of said bonds, the issuance of $1,000,000 negotiable notes of the City of Asheville is hereby authorized, which notes shall be designated "Auditorium Bond Anticipation Notes", shall be dated April 21, 1970, shall mature October 21, 1970, without option of prior payment, and shall bear interest at a rate to be determined by the Local Government Commission at the time the notes are sold, which interest shall be payable at the maturity of the notes to which such interest coupons shall be attached. Said notes shall be payable as to principal and interest at such bank or trust company, and shall have such denomination or denominations and bear such number or numbers as may be fixed by the Mayor after the award of the notes by the Local Government Commission, and both the principal of and the interest on said notes shall be payable in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts.

Section 3. This resolution, being a resolution directing administrative

"Local Authority") and the City of Asheville, North Carolina (herein called the "Municipality") desire to enter into an amendment to its Cooperation Agreement in connection with the Development of low-rent housing units pursuant to the United States Housing Act of 1937, as amended.

NOW, THEREFORE BE IT RESOLVED by the Municipality that the Local Authority and the Municipality enter into an Amendment to its Cooperation Agreement and the Mayor is hereby authorized to execute the same on behalf of the Municipality and the City Clerk to attest the same and affix thereto the seal of the Municipality, said Amendment being in substantially the following form:

AMENDMENT NO. 4
to
COOPERATION AGREEMENT

This amendatory Agreement entered into this _____ day of _____, 19____, by and between Housing Authority of the City of Asheville (herein called "Local Authority") and City of Asheville, North Carolina (herein called "Municipality", WITNESSETH:

WHEREAS, the Municipality and the Local Authority have entered into a certain Cooperation Agreement dated November 12, 1964 and amended November 14, 1966, February 3, 1967 and March 28, 1969 providing for aid and cooperation in respect to low-rent housing Projects developed or to be developed and operated by the Local Authority with the financial assistance of the United States of America; and

WHEREAS, the Local Authority and the Municipality desire to modify and amend the aforesaid Cooperation Agreement to cover additional low-rent housing units;

NOW, THEREFORE, the Local Authority and the Municipality do agree that the number of units set forth in Section 2 of the aforesaid Cooperation Agreement be increased by 300 and that the figure "1025" be changed to read"1325".

IN WITNESS WHEREOF, the Municipality and the Local Authority have respectively signed this amendatory Agreement and caused their seals to be affixed and attested as of the day and year first above written.

CITY OF ASHEVILLE, NORTH CAROLINA
(Corporate Name of Municipality)

(SEAL)
ATTEST:

By_____
Mayor

_____
City Clerk

HOUSING AUTHORITY OF THE CITY OF ASHEVILLE
(Corporate name of Local Authority)

(SEAL)

ATTEST:

By_____
Chairman

_____
Secretary

Mr. Logan Delaney appeared before the Council and requested the Council to urge the Housing Authority to coordinate planning efforts in the distribution of housing with the Model Cities Task Force.

Approved as to form: _____ Mayor

_____ Corporation Counsel

_____ CITY Clerk

Thereupon, upon motion of Councilman Anderson, seconded by Councilman Crouch, the foregoing resolution entitled "RESOLUTION PROVIDING FOR THE ISSUANCE OF $700,000 REDEVELOPMENT BOND ANTICIPATION NOTES" was passed by the following vote:

Yeas. Councilmen Colton, Crouch, Keleher, Andersen, Dailey, Atkinson, and Mayor Montgomery

Nays. None

BOND ANTICIPATION NOTES - FORM AND MANNER

Thereupon, Councilman Dailey introduced the following resolution which was read.

RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF $1,700,000 BOND ANTICIPATION NOTES TO BE ISSUED UNDER DATE OF APRIL 21, 1970, AND RATIFYING APPLICATION TO LOCAL GOVERNMENT COMMISSION FOR THE APPROVAL, ADVERTISEMENT AND SALE OF SAID NOTES

BE IT RESOLVED by the Council of the City of Asheville.

Section 1. The $1,000,000 Auditorium Bond Anticipation Notes and the $700,000 Redevelopment Bond Anticipation Notes to be issued by the City of Asheville under date of April 21, 1970, shall be signed by the Mayor and the City Clerk and the corporate seal of the City shall be affixed to the notes and said notes shall have endorsed thereon the written approval of the City Attorney

Section 2. Said notes and the endorsement to be placed upon the reverse of said notes shall be substantially as follows:

No. _____ $_____

United States of America
State of North Carolina
County of Buncombe

CITY OF ASHEVILLE

_____ Bond Anticipation Note

The City of Asheville, a municipal corporation in Buncombe County, North Carolina, is justly indebted and for value received hereby promises to pay to the bearer on the _____ day of _____, 1970, the principal sum of

_____THOUSAND DOLLARS

and to pay interest thereon from the date hereof at the rate of _____ per centum (_____%) per annum, payable upon the presentation and surrender of this note at its maturity. Both the principal of and the interest on this note are pay-

action shall take effect immediately.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Thereupon, upon motion of Councilman Andersen, seconded by Councilman Kelcher, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $1,000,000 AUDITORIUM BOND ANTICIPATION NOTES" was passed by the following vote.

Yeas: Councilmen Colton, Crouch, Kelcher, Anderson, Bailey, Atkinson and Mayor Montgomery.

Nays: None

BOND ANTICIPATION NOTES - $700,000 REDEVELOPMENT

Thereupon Councilman Anderson introduced the following resolution which was read:

RESOLUTION PROVIDING FOR THE ISSUANCE OF $700,000 REDEVELOPMENT BOND ANTICIPATION NOTES

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. The Council has determined and does hereby find and declare.

(a) That an ordinance authorizing $1,000,000 Redevelopment Bonds was passed by the Council of the City of Asheville on October 19, 1967, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held on December 5, 1967.

(b) That none of said bonds has been issued and that there are outstanding $700,000 Redevelopment Bond Anticipation Notes which were issued in anticipation of the receipt of the proceeds of a like amount of said bonds, which notes are dated October 22, 1969, mature April 22, 1970 and bear interest at the rate of 5.85% per annum.

Section 2. In anticipation of the receipt of the proceeds of a like amount of said bonds, the issuance of $700,000 negotiable notes of the City of Asheville is hereby authorized, which notes shall be designated "Redevelopment Bond Anticipation Notes", shall be dated April 21, 1970, shall mature on May 6, 1970, without option of prior payment, and shall bear interest at a rate to be determined by the Local Government Commission at the time the notes are sold, which interest shall be payable at the maturity of the notes to which no interest coupons shall be attached. Said notes shall be payable as to principal and interest at such bank or trust company, and shall have such denomination or denominations and bear such number or numbers as may be fixed by the Mayor after the award of the notes by the Local Government Commission, and both the principal of and the interest on said notes shall be payable in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts.

Section 3. This resolution, being a resolution directing administrative action shall take effect immediately.

Section 4. The action of the City Manager in applying to the Local Government Commission to approve, advertise and sell said notes, and the action of the Local Government Commission in asking for bids for said notes by publishing a sale notice and printing and distributing circulars, be and the same are hereby ratified and confirmed.

Section 5. This resolution, being a resolution directing administrative action shall take effect immediately.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Thereupon upon motion of Councilman Dailey, seconded by Councilman Crouch, the foregoing resolution entitled. "RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF $1,700,000 BOND ANTICIPATION NOTES TO BE ISSUED UNDER DATE OF APRIL 21, 1970, AND RATIFYING APPLICATION TO LOCAL GOVERNMENT COMMISSION FOR THE APPROVAL, ADVERTISEMENT AND SALE OF SAID NOTES" was passed by the following vote:

Yeas. Councilmen Colton, Crouch, Keleher, Anderson, Dailey, Atkinson and Mayor Montgomery

Nays. None

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19. Consideration of bids received April 6, 1970 for four hydraulic packer type bodies (2½ yard capacity), 23 trucks and 3 automobiles for various city departments.

The City Manager advised that after due advertisement bids had been received and recommended awarding said bids to the lowest bidders.

TILT CAB & CHASSIS	Matthews Motors, Inc.	$32,960.00
3-2 Dump trucks	Carolina Truck & Body Co.	$10,900.62
4-2 Dump Trucks	Matthews Motors, Inc.	7,447.38
5-1 Dump Truck	Parkland Chevrolet Co.	2,952.66
6-2 cab & chassis trucks	Carolina Truck & Body Co.	5,024.04
7-1 pick-up truck	Carolina Truck & Body Co	1,773.00
8-1 pick-up truck	Parkland Chevrolet Co.	2,234.90
9-1 four wheel drive pick-up	Matthews Motors	2,471.21
10-5 pick-up trucks	Parkland Chevrolet Co	9,507.80
11-2 pick-up trucks	Parkland Chevrolet Co	4,325.46
12-1 four wheel drive truck	Parkland Chevrolet Co	1,774.24
13-1 low bed dump truck	Matthews Motors	2,961.92
14-1 four door automobile	Parkland Chevrolet Co.	1,723.55
15-1 four door automobile	Parkland Chevrolet Co	1,633.16
16-1 four door sedan	Harry's Cadillac & Pontiac Co	2,441.63
four Hydraulic packer type bodies	Baker Equipment Co.	22,248.00

Councilman Crouch moved that the bid be awarded to the lowest bidders, which motion was seconded by Councilman Keleher and unanimously adopted.

able at _____, in _____, _____, in any coin or currency of the United States of America which, at the time of pahment, is legal tender for the payment of public and private debts. For the prompt payment hereof both principal and interest as the same become due, the full faith and credit of said City of Asheville are hereby irrevocably pledged.

This note is given for money borrowed in the amount of the face of this note in anticipation of the receipt of the proceeds of a like amount of _____ Bonds duly authorized by an ordinance passed by the Council of said City on October 19, 1967, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held, and this note is issued pursuant to and in full compliance with The Municipal Finance Act, 1921, as amended, and the Local Government Act, as amended, and a resolution duly passed by the Council of said City.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this note have happened, exist and have been performed in regular and due form and time as so required, and that the total indebtedness of said City, including this note, does not exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, said City of Asheville has caused this note to be signed by its Mayor and its City Clerk and the corporate seal of the City to be affixed hereto, all as of the 21st day of April, 1970.

_____
Mayor

_____
City Clerk

The issuance of this note is hereby approved.

_____
City Attorney

(to be endorsed upon the reverse of notes)

Local Government
Commission Serial No. ...

The issuance of this note has been approved under the provisions of the Local Government Act of North Carolina.

H. E. BOYLES,
Secretary, Local Government Commission

By_____
Designated Assistant

Section 3. The dotted line in the second paragraph of the note form set forth in Section 2 of this resolution shall be filled as follows:

In the Auditorium Bond Anticipation Notes there shall be inserted the word "Auditorium."

In the Redevelopment Bond Anticipation Notes there shall be inserted the word "Redevelopment".

Regular Meeting Thursday, April 16, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding and City Clerk Margaret Simmons.

Absent: None

1. Approval of minutes of meeting of April 9, 1970.

The minutes were approved as submitted.

ORDINANCE NO. 666 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. Second reading of Ordinance #666 which zones the property of Dwellings, Lt. which lies immediately south of Wyatt and East of Brooklyn Road as RA-5 Residential District.

Said Ordinance No. 666 was unanimously passed on its second reading.

CHARTER REQUIREMENT ORDINANCE BE READ ON THREE READINGS - NOT WAIVED

Councilman Dailey moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Anderson. Upon a vote being taken the motion was defeated with Councilmen Crouch, Colton, Keleher, and Atkinson voting no, and Mayor Montgomery, Councilmen Dailey and Anderson voting yes.

BIDS - UNIFORMS FOR FIRE DEPARTMENT

3. Consideration of bids received April 13th for summer uniforms for Asheville Fire Department.

The City Manager reported that after due advertisement bids had been received for uniforms for the Asheville Fire Department as follows:

The Hub Uniform Company	Charles R. Stinnette Co.	Asheville Army Store
$3,194.47	$3,297.63	$2,957.34

but that the bid of the Asheville Army Store was not accompanied by a certified check. However, this was the low bid and the City Manager recommended that this bid be accepted and the requirement of the certified check be waived in this instance.

Councilman Keleher moved that the matter of the check being certified be waived in this case, and that the low bid of Asheville Army Store Be be accepted, which motion was seconded by Councilman Dailey and unanimously adopted.

RICHMOND HILL GOLF COURSE - WORK PERFORMED BY RIDGLEY K. ROBINSON, JR. AND GEORGE COBB

The City Manager explained that Ridgley K. Robinson, Jr. and George Cobb had a contract with the city for work in connection with the Richmond Hill Golf Course, that they had completed phase 1 of the contract for which their services amounted to $20,148.00 and that they were desirous of being paid for this work.

Following a discussion Councilman Colton moved that this bill paid out of the money received for the sale of Rhododendron Park, which motion was seconded by Councilman Crouch and unanimously adopted.

BEAUCATCHER TUNNEL - OPEN CUT ENCOURAGED

The City Manager presented a resolution entitled RESOLUTION ENCOURAGING CONSTRUCTION OF HIGHWAY ACCESS IN THE CITY OF ASHEVILLE WITH AN OPEN CUT THROUGH BEAUCATCHER MOUNTAIN NEEDED IMMEDIATELY, and said resolution was, upon motion of Councilman Colton, seconded by Councilman Atkinson, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 458.

BEAUCATCHER TUNNEL - TEMPORARY RELIEF OF TRAFFIC PROBLEMS URGED

The City Manager presented a resolution entitled RESOLUTION URGING THE TEMPORARY RELIEF OF THE TRAFFIC PROBLEMS CREATED BY THE PRESENT BEAUCATCHER MOUNTAIN TUNNEL, and said resolution was, upon motion of Councilman Anderson, seconded by Councilman Bailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 459.

AIR POLLUTION

Councilman Atkinson stated he had had many complaints about the burning of refuse along the I-26 right of way, and moved that the city send a bill for the Fire Department's time and expense to whoever is responsible for the burning, and that the City withhold its payment to the Regional Air Pollution Commission until Commission officials account for their part in the burning, but agreed to withhold his motion until the City Manager could get full details and the pollution control agency officials could be heard from.

Adjournment

MAYOR

CITY CLERK

the water had been cut off without notice.

The Mayor advised Mr. Polansky to discuss this matter with the City Manager.

SUBDIVISION REGULATIONS -
G. E. CROUCH

and

Mr. G. E. Crouch appeared before the Council/discussed his property on Oak Hill Drive and requested a permit for a house he had moved onto a piece of this property.

The City Manager advised that subdivision regulations have not been complied with by Mr. Crouch, which regulations require that Council approve the dividing of property such as this after Planning and Zoning Commission investigation and recommendation as to lot size, frontage, street alignment, lot depth and other items.

Mr. Joseph Johnson, the Building Inspector, advised that Mr. Crouch has 17 houses on one tax lot that has never been divided or recorded, and that a permit could not be issued.

Following a discussion by Council members, Councilman Crouch moved that the Council go on record as upholding all subdivision regulations and backing up administrative decisions to apply and administer the law, which motion was seconded by Councilman Anderson, and adopted by a vote of five to two with Councilmen Colton, Crouch, Keleher, Anderson, and Mayor Montgomery voting yes, and Councilmen Atkinson and Bailey voting no.

Adjournment.

Wayne Montgomery, MD
MAYOR

Margaret Hunicutt
CITY CLERK

STATE HIGHWAY COMMISSION - AMENDMENT TO AGREEMENT

4. Consideration of a resolution authorizing the Mayor to execute an amendment to agreement with the State Highway Commission for Asheville Expressway (NC 191)

Resolution No. 70-43 was, upon motion of Councilman Crouch, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 460.

SHELBURNE ROAD - SIDEWALK REQUESTED

Mrs. J. P. Price presented a petition requesting a sidewalk on Shelburne Road

The City Manager advised that the city has laid asphalt sidewalks at its own expense, but it has been the policy to put down concrete sidewalks only when 100 per cent of abutting property owners agree to share half the cost. However, the City Manager further advised the Council has the authority to lay the concrete sidewalk with the agreement of only 51 per cent of abutting property owners who own at least 51 per cent of the front footage and assess owners on a frontage basis.

Following a discussion the Director of Public Works was directed to draft a new petition for residents to circulate spelling out the alternatives and the costs, suggesting that property owners be given up to five years to pay off the assessment at 6% interest on unpaid balances.

BID - FOUR WHEEL DRIVE VEHICLE

The City Manager advised he had received a letter from Parkland Chevrolet wishing to cancel its bid for one four wheel utility type vehicle, and enclosing bid forfeit in the amount of $88.71. The City Manager advised that the next low bid was International Truck Company in the amount of $1,808.81, and deducting the $88.71 the city would be getting the truck at some $54.00 less than the original low bid.

Councilman Crouch moved that the bid be awarded the International Truck Company, which motion was seconded by Councilman Keleher and unanimously adopted.

CHARLOTTE STREET - TRAFFIC PATTERN

Councilman Keleher called attention to the traffic lanes on Charlotte Street, and suggested the need for publicity in regard to the turning lane.

The City Manager was directed to publicize information and a sketch showing the proper lane patterns along Charlotte Street.

KENILWOOD DRIVE

Councilman Anderson suggested that the Environmental Inspector investigate a lumber yard located on Kenilwood Drive and also a vacant lot which is being used as a dumping ground for trash and rubbish.

WATER BILL - MAX POLANSKY

Mr. Max Polansky discussed a water bill for 171 Montford Avenue, advising that

CITY AUTHORIZED TO FILE AN APPLICATION FOR GRANT TO ACQUIRE AND DEVELOP OPEN-SPACE LAND

5. Consideration of a resolution authorizing the City of Asheville to file an application for a grant to acquire and develop open space land.

Miss Barnett, Director of Parks and Recreation, explained the location of the land proposed to be acquired.

Following a discussion Resolution No. 70-46 was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 463.

SECRETARIES WEEK

The Mayor proclaimed the week of April 19 as Secretaries Week.

LAW DAY

The Mayor proclaimed May 1st as Law Day.

SENIOR CITIZENS MONTH

The Mayor proclaimed the month of May as Senior Citizens Month

AIRPORT ORDINANCE

Councilman Colton reported that a Chamber of Commerce subcommittee has gone over a proposed aviation ordinance and will submit suggested amendments to Corporation Counsel J. N. Golding.

Councilman Colton also suggested the Council may have to take some action in connection with an Air Show to be held at the Asheville Airport May 17th.

MALVERN HILLS SWIMMING POOL

Councilman Atkinson discussed needed repairs at Malvern Hills swimming pool, advising he had an estimate from Miss Barnett that said repairs would run around $12,846, and recommended that the proceeds from the sale of Rhododendron Park be used for this purpose.

The Mayor suggested that Council members should hear from Miss Barnett on the needs of the Walton Street pool, and Miss Barnett advised that the Walton Street pool needed repairs that would cost about the same or a little less than Malvern Hills pool.

Councilman Atkinson then moved that up to $15,000/be earmarked from the Rhododendron Park funds for repairs to the Malvern Hills pool according to the estimate, which motion was seconded by Councilman Colton and unanimously adopted.

The City Manager requested Miss Barnett to make out an estimate of needed repairs at Walton Street pool.

Regular Meeting Thursday, April 23, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

Absent: Councilman Webster Anderson.

1. Approval of minutes of meeting of April 16, 1970.

Councilman Keleher requested that the minutes be corrected to add the words "and that it not be considered a precedent" in the motion to award the bids for summer uniforms for the fire department; otherwise the minutes were approved as submitted.

FLORENCE STREET - CLOSED AS A PUBLIC STREET

2. Public hearing on the closing of Florence Street.

The City Manager announced that after due advertisement today is the date set for the public hearing on the closing of Florence Street, and the Mayor opened the public hearing at 3:15. The public hearing was closed at 3:20.

Resolution No. 70-44, "RESOLUTION AUTHORIZING ABANDONMENT AND DISCLAIMING ANY PUBLIC INTEREST IN FLORENCE STREET EXTENDING FROM THE EAST SIDE OF BILTMORE AVENUE BETWEEN THE PROPERTIES OWNED BY THE ST. JOSEPH'S HOSPITAL ON THE SOUTH AND THE PROPERTY OF THE COUNTY OF BUNCOMBE ON THE NORTH, AND FURTHER DESIGNATED ON SHEET 6, WARD 1, OF THE BUNCOMBE COUNTY TAX MAPS", was, upon motion of Councilman Crouch, seconded by Councilman Keleher, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 461.

ORDINANCE NO. 666 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

3. Third reading of Ordinance No. 666 which zones the property of Dwellings, Ltd. which lies immediately south of Wyatt and east of Brooklyn Road to RA-5 Residential District.

Ordinance No. 666 was unanimously passed on its third and final reading.

LAND ACQUISITION POLICY ESTABLISHED

4. Consideration of a resolution establishing a land acquisition policy for the City of Asheville.

The City Manager explained the resolution, and, following a discussion by the Council, Resolution No. 70-45 was, upon motion of Councilman Colton, seconded by Councilman Keleher, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 462.

Regular Meeting Thursday, April 30, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilman Henry E. Colton, Mrs. Barbara C. Keleher, Webster Anderdson, Ruben J. Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding and city Clerk Margaret Simmons.

Absent: Councilman Robert E. Crouch

1. Approval of minutes of April 23, 1970.

The minutes were approved as submitted.

ORDINANCE NO. 667 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. Public hearing on the rezoning of the property at the corner of Carroll Avenue and New Street from Commercial District to RA-5 Residential District.

The City Manager advised that after due advertisement today is the date set for the public hearing, and the Mayor opened the public hearing at 3:02 o'clock. The public hearing was closed at 3:03 o'clock.

Ordinance No. 667, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously passed on its first reading.

ORDINANCE NO. 668 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

3. Public hearing on the rezoning of property at 192 Swannanoa Road from RA-6 Residential District to Industrial District.

The City Manager advised that after due advertisement today is the date set for the public hearing, and the Mayor opened the public hearing at 3:05 o'clock.

Mr. Paul Smith, attorney, spoke in favor of the ordinance and asked that the rules be suspended and the ordinance passed on three readings today.

The public hearing was closed at 3:13.

Ordinance No. 668, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously passed on its first reading.

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS - DISPENSED WITH

Councilman Dailey moved that the Charter requirement that the ordinance be read on three separate days be suspensed with, which motion was seconded by

GARBAGE COLLECTION -
COMMERCIAL ESTABLISHMENTS

Councilman Atkinson discussed trash and garbage collection at commercial establishments, advising that too much manpower and equipment was being used and asked if anything is being done by the administration to try to improve Sanitation Department operations.

Councilman Atkinson moved that the City Manager be directed to notify commercial establishments that garbage and trash won't be picked up unless the material is properly containerized and that the City Manager also look into the possibility of buying two more dumpmasters, which motion was seconded by Councilman Keleher and unanimously adopted.

EARTH DAY

The Mayor commended area students for their well organized cleanup efforts on Earth Day.

POLICE OFFICERS -
ATTENDANCE IN COURT

Mr. Pete Roda discussed the fact that there is no provision to pay officers for court attendance to testify in criminal cases, and suggested that the money now being used for salaries for Police Court officials go to pay a small fee of perhaps $3.00 to said officers when the District Court goes into effect.

Councilman Dailey moved that the City Manager study this situation and make a recommendation to the Council, which motion was seconded by Councilman Atkinson and unanimously adopted.

CIVIC CENTER

The resident of 43 Grandview Drive in West Asheville advised that a prominent citizen made the statement at a meeting in West Asheville that the former City Manager had stated that he had an option to purchase the motel where the Civic Center is to be located for $220,000 and yet in a few months the same City Manager had advised the Council that he had an option to purchase the same property for $455,000, and said resident thought this should be looked into.

The Mayor advised that the property was listed for taxes at approximately $450,000 and therefore the price paid for the property was in line with the assessed value of the property.

ADJOURNMENT

Wayne Hunt Jr., MD
MAYOR

Margaret Dunmore
CITY CLERK

	Hobson Construction Company, Inc.	Gatlinburg Construction Company, Inc.	Gibson Pool Co.
Item #1 - Base Bid Swimming Pool with attached diving well	93,897.00	$128,000.00	$104,038.00
Alternate #1 - Training Pool	$6,610.00		$5,000.00
Alternate #2 - Diving Boards	$2,200.00		$2,000.00
Alternate #3 - Diving Boards furnished by City of Asheville	700.00	$1,000.00	$1,500.00

Councilman Anderson moved that the low bid of Hobson Construction Company be accepted, which motion was seconded by Councilman Dailey and unanimously adopted.

MALVERN HILLS AND WALTON STREET SWIMMING POOLS - RENOVATION

7. Report of City Manager on proposals to renovate Malvern Hills and Walton Street swimming pools.

The City Manager read a recommendation from the Recreation Advisory Board that the proposed repairs and improvements needed at both Walton Street and Malvern Hills pools be undertaken as soon as practical; that all improvements which can be completed prior to June 5th be accomplished immediately, and that no work be undertaken which would delay planned pools opening June 6th; that any repairs and improvements which cannot be completed by June 5th be scheduled during September and October; and that funds realized from sale of Rhododendron Park not already appropriated be earmarked and held in reserve for the sole purpose of acquiring and improving new land areas in West Asheville for Park and Recreation use.

The City Manager also presented the estimated cost of upgrading Walton Street swimming pool.

Councilman Dailey moved that the recommendation of the Recreation Advisory Board be accepted, which motion was seconded by Councilman Atkinson and unanimously adopted.

SHELBURNE ROAD - SIDEWALK

8. Consideration of a petition presented by Mrs. Norma Price for the citizens of Shelburne Avenue requesting that a sidewalk be constructed along Shelburne Avenue.

Mrs. Price advised that she had approached the residents of Shelburne Road, and advised that very few of the property owners would sign petition requesting the concrete sidewalk, but that she had secured the signatures of four property owners representing 71% of the frontage along said side of Shelburne Road.

Councilman Anderson moved that the city install a concrete sidewalk along one side of Shelburne Road from Sand Hill Road to Zephyr Circle with the property owners paying their share of this improvement, and that the City install an asphalt sidewalkfrom there to Brevard Road, which motion was seconded by Councilman Kelsher and unanimously adopted.

Councilman Atkinson and unanimously adopted.

ORDINANCE NO. 668 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Ordinance No. 668 was unanimously passed on its second reading.

ORDINANCE NO. 668 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Ordinance No. 668 was unanimously passed on its third and final reading.

ORDINANCE NO. 669 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

4. Public hearing on the rezoning of property at 771 Tunnel Road and adjacent lots 50-3/4, 49 and 73, Ward 8, Sheet 15 from RA-6 Residential District to Roadside Business Area.

The City Manager advised that after due advertisement today is the date set for the public hearing, and the Mayor opened the public hearing at 3:15. The public hearing was closed at 3:17.

Ordinance No. 669, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Keleher, seconded by Councilman Colton, was unanimously passed on its first reading.

ZONING ORDINANCE - AMENDMENT REQUESTED (Lots 22, 23, Sheet 16, Ward 7 - L. W. Mitchell)

5. Consideration of a petition from L. W. Mitchell requesting property at 22 and 23 Glendale Avenue be rezoned from RA-6 Residential to Industrial District.

This request was referred to the Planning and Zoning Commission for study and recommendation.

BIDS - RECREATION PARK SWIMMING POOL

The City Manager advised that after due advertisement bids had been received for the construction of swimming pool and filter equipment at the Recreation Park, and read a letter from the Recreation Advisory Board recommending that the bid be awarded to the low bidder Hobson Construction Co. for the sum of $102,707.00, and the City Manager concurred in said recommendation:

ASHEVILLE TRANSIT AUTHORITY - APPOINTMENT OF MEMBER (Lacy T. Haith)

13. Consideration of resolution appointing member to the Asheville Transit Authority.

Resolution No. 70-48 was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 466.

ORDINANCE NO. 651 - AN ORDINANCE REPEALING SECTION 18-19 OF THE ASHEVILLE CODE OF ORDINANCES (ORDINANCE NO. 526)

14. Consideration of a motion to remove from the table for third reading Ordinance No. 651, "An Ordinance Repealing Section 18-19 of the Asheville Code of Ordinances", commonly known as the Sunday Observance Law.

The City Manager read the motion which originally tabled Ordinance #651.

Councilman Dailey moved that Ordinance #651 be removed from the table and that said ordinance be considered on its third reading, which motion was seconded by Councilman Keleher, and adopted by a vote of five to 1 with Councilmen Keleher, Anderson, Dailey, Atkinson and Mayor Montgomery voting in favor of said motion and Councilman Colton voting against said motion.

Speaking against the passage of the ordinance were Mr. James Baley, who suggested the Council secure a copy of the Raleigh ordinance and pass it; Miss Fannie McCoy, Mr. Donald Heet, and Mr. Bill Horton.

Speaking in favor of the passage of the ordinance were Mr. Harry Blomberg, Mrs. Margaret Rice, Mr. Fred Clark, and Mr. Herman Davis.

In answer to a question by the Mayor the Corporation Counsel gave his interpretation of the law and that the Council had the right to pass the ordinance.

Following a discussion by members of the Council a vote was taken and said ordinance passed on its third and final reading by a vote of four to two with Councilmen Anderson, Dailey, Atkinson and Mayor Montgomery voting "Aye", and Councilmen Colton and Keleher voting "No".

PROCLAMATION - AMERICAN BUSINESS WOMEN SCHOLARSHIP MONTH

The Mayor read a proclamation designating the month of May as American Business Women Scholarship Month

PETITIONS - SCHOOLS

Councilman Atkinson presented petitionsby residents of West Asheville requesting retention of all schools in West Asheville at their present sites, that the 6th and 7th grades return as formerly, and that a Senior High School be erected.

These petitions were referred to the Asheville School Board

Adjournment.

Wayne Montgomery, MD
MAYOR

Margaret Simmons
CITY CLERK

WALL SIGNS - CROSSTOWN EXPRESSWAY

9. Consideration of an application for permit for erection of two wall signs within 45 feet of the Crosstown Expressway on Merrimon Avenue for the Collegiate Club. (requested by Mr. James D. Rice, Jr.)

which were already installed

The City Manager presented the request for the signs/ and the Mayor suggested that this be referred to the Planning Department for recommendation.

Following a discussion, Councilman Colton moved that this request be referred to the Planning Department without setting a precedent, which motion was seconded by Councilman Dailey and unanimously adopted.

ORDINANCE NO. 670 - AN ORDINANCE ESTABLISHING REGULATIONS FOR THE AIRPORT OF THE CITY OF ASHEVILLE

10. Consideration of an ordinance establishing regulations for operation of the Asheville Airport.

The Corporation Counsel advised of the revisions,which had been made in the ordinance originally presented,by the Aviation Committee of the Chamber of Commerce, the Pilots Association, attorneys for the fixed base operator and the airport management.

Following a discussion Ordinance No. 670, being "AN ORDINANCE ESTABLISHING REGULATIONS FOR THE AIRPORT OF THE CITY OF ASHEVILLE", was unanimously passed on its first reading.

AGREEMENT - O'BRIEN AND GERE

11. Consideration of a resolution authorizing the Mayor to enter into an agreement with O'Brien & Gere, Consulting Engineers, for an evaluation of the Asheville water system.

Resolution No. 70-47 was, upon motion of Councilman Anderson, seconded by Councilman Atkinson, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 464

CAROLINA POWER & LIGHT COMPANY - EASEMENT

12. Consideration of a resolution authorizing Mayor to execute an easement in favor of the Carolina Power & Light Company for underground power service to Bee Tree Recreation Area.

Resolution No. 70-48 was, upon motion of Councilman Dailey, seconded by Councilman Anderson, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 465.

sign located on the front of the building but disapprove the sign on the roof of the building, which motion was seconded by Councilman Dailey and unanimously adopted.

SIGN - SHELL OIL COMPANY,
495 HAYWOOD ROAD

6. Consideration of an application for permit for one ground sign and wall sign to be erected at the Shell Oil Company, 495 Haywood Road (letter from Planning Director recommending action is attached).

The City Manager presented the application for the signs, and read the letter from the Planning Director recommending that the application be approved with one modification that the high rise sign be erected an additional 10 feet back from its proposed location.

Following a discussion by members of the Council, Councilman Dailey moved that the permit be granted with the modification, which motion was seconded by Councilman Atkinson and adopted by a vote of 6 to 1, with Councilmen Colton, Crouch, Keleher, Dailey, Atkinson and Mayor Montgomery voting in favor of the motion and Councilman Anderson voting against the motion.

BIDS - 100 PARKING METERS

7. Consideration of bids received May 4th for 100 parking meters.

The City Manager advised that after due advertisement bids had been received for 100 parking meters:

Duncan Industries, Inc.	Rockwell Manufacturing Co.	Southeastern Safety Supplies, Inc.
Model 60 Duncan Meter $5,850.00	$5,403.00	$4,888.00
Model 50-BR Duncan Meter $5,050.00		

Councilman Anderson moved that the low bid of Southeastern Safety Supplies, Inc. be accepted, which motion was seconded by Councilman Colton and unanimously adopted.

BIDS - COMBINATION
TRACTOR AND BACKHOE LOADER

8. Consideration of bids received May 4th for a combination tractor and backhoe loader, and a one track type trencher

	Arden Equipment Co.	Farm Equipment Co.	Blue Ridge Tractor Co.
Backhoe Loader and combination tractor	$12,967.92	$9,799.92	$8,704.80

Councilman Keleher moved that the second low bid of Farm Equipment Co. in the amount of $9,799.92 be accepted, which motion was seconded by Councilman Crouch and unanimously adopted. The bid of Blue Ridge Tractor Co. did not meet specifications.

BIDS - ONE TRACK
TYPE TRENCHER

Regular Meeting Thursday, May 7, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry R. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding and City Clerk Margaret Simmons.

Absent: None

1. Approval of minutes of April 30, 1970.

The minutes were approved as submitted.

ORDINANCE NO. 667 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. Second reading of Ordinance No. 667 rezoning the property at the corner of Carroll Avenue and New Street from Commercial District to RA-5 Residential District.

Ordinance No. 667 was unanimously passed on its second reading.

ORDINANCE NO. 669 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

3. Second reading of Ordinance No. 669 rezoning the property at 771 Tunnel Road and adjacent Lots 50-3/4, 49 and 73, Ward 8, Sheet 15 from RA-6 Residential District to Roadside Business Area.

Ordinance No. 669 was unanimously passed on its second reading.

ORDINANCE NO. 670 - AN ORDINANCE ESTABLISHING REGULATIONS FOR THE AIRPORT OF THE CITY OF ASHEVILLE

4. Second reading of Ordinance 670 establishing regulations for operation of the Asheville Airport.

Ordinance No. 670 was unanimously passed on its second reading.

SIGN - 47 MERRIMON AVENUE

5. Reading of a letter from the Director of Planning reviewing a request of James D. Rice for approval of two signs located at 47 Merrimon Avenue.

The City Manager read the letter from the Director of Planning which recommended that the sign located on the front of the building be permitted to remain, but that the roof sign should be removed and reconstructed as required by the City Code.

Mr. Kmecza, Director of Planning, explained his letter, and there was a discussion by members of the Council.

Following the discussion, Councilman Anderson moved that the Council approve the

WHEREAS, Robert C. Robinson was a respected member of the Asheville community, effectively successful as to his own industry and the well-being of his fellow men; and

WHEREAS, Robert C. Robinson served as the District Manager of the Asheville office of the North Carolina Mutual Insurance Company, President of Afram, Inc., and Director of the Market Street Y.M.C.A.; and

WHEREAS, the City of Asheville is also indebted to Robert C. Robinson for his active service as a member of the Asheville Transit Authority and the time and effort which he devoted to the City of Asheville in this capacity;

NOW, THEREFORE, BE IT RESOLVED that in the passing of Robert C. Robinson the Asheville community has lost an outstanding citizen and friend.

That a copy of this resolution be incorporated as a part of the record of the proceedings of this Council and that a duplicate copy be transmitted to Ernestine Pinckney Robinson, widow of Robert C. Robinson.

I move the adoption of the foregoing resolution.

Ruben J. Dailey
COUNCILMAN

SECONDED BY: Henry E. Colton
COUNCILMAN

Read, approved and adopted, this 7 day of May, 1970.

Wayne S. Montgomery
MAYOR

APPROVED AS TO FORM:

J. N. Golding
CORPORATION COUNSEL

Margaret Simmons
CITY CLERK

Complete copy of resolution will also be found in Resolution Book 5 page 468.

TAX REDUCTION

Mayor Montgomery read a letter he had written to Robert Mathison, chairman of the campaign committee for passage of the bond, conveying the Council's renewed pledge to cut the city tax rate for the next fiscal year, declaring that the 1970-71 city property tax rate would not exceed $1.50 per $100 assessed valuation, a reduction of 15 cents from the 1969-70 rate of $1.65.

MODEL CITIES

Mayor Montgomery read the following letter:

Mr. Earl Metzger,
Model Cities,
Room 333,
Peachtree Seventh Building,
Atlanta, Georgia 30323

Dear Mr. Metzger:

Thank you for your letter of April 24, 1970 concerning the Asheville Model Cities program and the mid-planning statement. We have reviewed carefully both your letter and the comments and recommendations included in the RICC review.

The City Manager advised that after due advertisement bids had been received [illegible]

One track type Trencher	Charles C. Long Equipment Co., Inc. $6,123.73	Contractors Service & Rentals, Inc. $4,915.16

Councilman Crouch moved that the low bid of Contractors Service & Rentals be accepted, which motion was seconded by Councilman Dailey and unanimously adopted.

BIDS - One 1,000 gallon tri-combination pumper for Fire Department

9. Consideration of bids received May 6th for one 1,000 gallon tri-combination pumper for the Asheville Fire Department.

The City Manager advised that after due advertisement bids had been received, but that two of said bids had not furnished a bid bond:

Burgess Fire Equipment Co.	Boyce L. Ford Co.	W. S. Darley and Company
$35,120.00	$25,020.00	$33,572.00
No bid bond		No bid bond

Deputy Chief Powell Ball discussed the performance of the trucks.

Following a discussion by Council members, Councilman Dailey moved that the low bid of Boyce L. Ford Co., Inc. in the amount of $25,020.00 be accepted, which motion was seconded by Councilman Crouch.

Following further discussion, Councilman Keleher offered a substitute motion that bids be resubmitted and see if three proper bids can be secured, which motion was seconded by Councilman Atkinson. A vote was then taken on the substitute motion and it passed by a vote of four to three with Councilmen Colton, Crouch, Keleher and Atkinson voting in favor of the motion and Councilmen Anderson, Dailey and Mayor Montgomery voting against the motion.

IMPERIAL LAND CORPORATION - AGREEMENT FOR WATER SERVICE

10. Consideration of a resolution authorizing the Mayor to enter into an agreement with the Imperial Land Corporation to serve water to its property off Briarcliff Road adjacent to the Oak Forest Subdivision, Limestone Township in accordance with city water extension policy.

Resolution No. 70-50 was, upon motion of Councilman Crouch, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 467.

ROBERT C. ROBINSON

A resolution regarding Robert C. Robinson was, upon motion of Councilman Dailey, seconded by Councilman Colton, unanimously adopted.

Resolution No. 70-51

ROBERT C. ROBINSON

WHEREAS, Robert C. Robinson died on the 24th day of April, 1970, in Asheville, North Carolina; and

neighborhood.

Very truly yours,

Wayne S. Montgomery, M.D.
Mayor

HOLIDAY - JULY 4th

The City Manager called attention to the fact that July 4th falls on Saturday, and suggested Monday as a holiday for city employees.

Councilman Crouch moved that the Monday following July 4th be taken as a holiday by city employees unless Federal employees take Friday, in which case city employees would also have Friday, which motion was seconded by Councilman Anderson and unanimously adopted.

CANNON - PACK SQUARE

Councilman Anderson reported that a proper artillery piece to replace the one that used to be on Pack Square is not available now, but that one has been promised within about ten months.

CLAIM - Mrs. Edna Muschette

Mr. James S. Howell, attorney for Mrs. Edna Muschette, presented a claim for damages to her property in the amount of $2,783.50.

This claim was referred to the Corporation Counsel for investigation.

SPEED SIGNS - COLLEGE STREET

Mr. L. H. McCord requested that speed signs be located in the vicinity of his property at 482 College Street.

This matter was referred to the Traffic Engineer for investigation.

Adjournment.

MAYOR

CITY CLERK

As to your specific recommendations, the Council and I would offer the following comments:

(a) The City Council has held a joint meeting with the Model Cities Commission on Wednesday, April 29, 1970, to discuss the progress of the planning year to date. It is recognized that additional consultation must be effectuated to prepare a final plan worthy of approval by your office. In order to do so, I have directed the City Manager to form a special task force comprised of himself, Mr. Neal Hanks, Executive Director of the Redevelopment Commission and the Metropolitan Planning Board, Mr. Ernest Ward, Finance Director of the City, and Mr. Kenneth Michalove, Executive Director of the Buncombe County Planning Council, to work with the Model Cities Director and staff on a continuing basis. This working relationship will include preliminary review of all work elements of the final comprehensive plan including budget analysis and project design. Additionally, the task force will serve to revise the mid-year planning statement for inclusion in the final document.

We have also designated Mayor pro tem Webster Anderson to serve as Council liaison to the Model Cities Commission during the remainder of the planning year. General Anderson will attend all Model Cities Commission meetings and will keep the Council fully informed of the on-going activities. Further, he shall meet with the task force as requested by the City Manager.

(b) The City feels that this interim arrangement for the remainder of the planning year will insure an improvement in planning, co-ordination and general understanding of the program by all concerned.

(c) The City at present has under way a thorough study for the reorganization of its program planning, redevelopment, housing and related activities. This study includes an analysis of the future organizational and administrative structure of the Model Cities program.

It is anticipated that the Model Cities staff activities will become a part of the administrative structure of the City and serve directly under and in a staff capacity to the office of the City Manager.

The administrative component of the final plan will reflect this change of staff relationship.

Further, the ordinance establishing the Model Cities Commission will be extensively revised to provide direct legal relationships between the Model Cities Commission and the City Council on policy matters related to future planning and the operation of the programs during the first action year.

The Council and I feel that this interim arrangement and the restructuring of the administrative organization in the proposed plan for the action year will meet the requirements of CDA letter #10A. It is felt that an orderly conclusion of the planning year demands that no extensive legal reorganization take place at this time if we are to complete the comprehensive plan in the time allowed and with the funds available.

I would be most happy to discuss this matter with you further if additional detail is needed. Members of the city staff and Council have conveyed these intentions to Mr. Don Harrison, and he may fill you in on additional details that you may need.

The City of Asheville intends to complete its planning year and a comprehensive proposal that will insure the citizens of the Model neighborhood area of an effective program that will meet their objectives in improving the quality of life in the model

spent in court, a uniform maintenance allowance, longevity pay, and more and better uniforms and equipment for use in civil disturbances and crowd control.

Sgt. Don Poore also spoke in behalf of the petition.

There was a discussion by Council members, and the Mayor thanked Mr. Riddle for his presentation, and assured him that this matter will be taken into consideration when the budget is studied.

PLANNING AND ZONING COMMISSION - RECOMMENDATION (Lots 22 and 23. Sheet 16, Ward 7 - L. W. Mitchell)

6. Reading of a letter from the Planning and Zoning Commission recommending the request of Mr. L. W. Mitchell to rezone lots on Glendale Avenue from RA-6 Residential District to Industrial District be denied.

The City Manager read the letter from the Planning and Zoning Commission and advised that Mr. Mitchell could ask for a public hearing if he so desired.

Mrs. L. W. Mitchell spoke in favor of the rezoning, and requested time to contact nearby property owners seeking signatures on a rezoning petition.

Councilman Keleher moved that this matter be tabled for two weeks, which motion was seconded by Councilman Crouch and unanimously adopted.

SITE PLAN - HOUSING PROJECT NC 7-11 - APPROVAL REQUESTED

7. Reading of a letter from the Planning and Zoning Commission recommending the approval of the site plan for Housing Project NC 7-11 located south of Fairview Road between Main Street and East View Avenue, subject to certain additional requirements.

The City Manager read the letter from the Planning and Zoning Commission, and following a discussion by the Council the City Clerk was directed to advertise for a public hearing at the expense of the Housing Authority.

ORDINANCE NO. 671 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1970 AND ENDING JUNE 30, 1971

8. Consideration of an ordinance levying, assessing, imposing and defining the license and privilege taxes of the City of Asheville for the fiscal year beginning July 1, 1970 and ending June 30, 1971.

Ordinance No. 671, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1970 AND ENDING JUNE 30, 1971, was, upon motion of Councilman Atkinson, seconded by Councilman Dailey, unanimously passed on its first reading.

CLAIM - MARY J. JONES

The City Manager presented a letter from Horton and Horton containing a claim on behalf of Mrs. Mary J. Jones.

Regular Meeting Thursday, May 14, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, and City Clerk Margaret Simmons

Absent: J. M. Golding, Corporation Counsel

1. Approval of the minutes of the meeting of May 7, 1970

The minutes were approved as submitted.

ORDINANCE NO. 667 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. Third reading of Ordinance No. 667 rezoning the property at the corner of Carroll Avenue and New Street from Commercial District to RA-5 Residential District.

Ordinance No. 667 was unanimously passed on its third and final reading.

ORDINANCE NO. 669 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

3. Third reading of Ordinance No. 669 rezoning the property at 771 Tunnel Road and adjacent Lots 50-3/4, 49 and 73, Ward 8, Sheet 15 from RA-6 Residential District to Roadside Business area.

Ordinance No. 669 was unanimously passed on its third and final reading.

ORDINANCE NO. 670 - AN ORDINANCE ESTABLISHING REGULATIONS FOR THE AIRPORT OF THE CITY OF ASHEVILLE

4. Third reading of Ordinance No. 670 establishing regulations for operation of the Asheville Airport.

Ordinance No. 770 was unanimously passed on its third and final reading.

Mr. Bill Norwood, President of the Western North Carolina Pilots Association, endorsed the ordinance.

POLICEMEN - REQUEST FOR SALARY INCREASES AND OTHER BENEFITS

5. Consideration of a petition requesting salary increases for Asheville policemen.

Mr. Bob Riddle, attorney for members of the Police Department, presented a petition requesting salary increases to provide an adequate annual income, paid vacations, a minimum of twenty new policemen, extra duty over forty hours per week, payment of time

Regular Meeting Thursday, May 21, 1970 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding and City Clerk Margaret Simmons.

Absent: None

1. Approval of minutes of May 14, 1970.

The minutes were approved as submitted.

ORDINANCE [illegible] - AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, [illegible] AND ENDING June 30, [illegible]

Ordinance No. 671 was unanimously passed on its second reading.

ORDINANCE NO. 672 - AN ORDINANCE PROHIBITING PARKING IN A CUL-DE-SAC AT THE NORTH END OF TRADE STREET

Ordinance No. 671, being "AN ORDINANCE PROHIBITING PARKING IN A CUL-DE-SAC AT THE NORTH END OF TRADE STREET", was, upon motion of Councilman Colton, seconded by Councilman Keleher, unanimously passed on its first reading.

POWELL BILL FUND - REQUEST OF JACK BARFIELD

Mr. Jack Barfield, representing the Asheville Board of Realtors, the Asheville Area Chamber of Commerce Tax Committee and the Asheville Area Chamber of Commerce, presented a resolution recommending that the State street aid to municipalities under the Powell Bill be doubled, and requested the City Council to petition the North Carolina League of Municipalities to support this request.

INTANGIBLE TAX - REQUEST OF JACK BARFIELD

Mr. Barfield presented a further resolution recommending that the intangible personal property tax on monies on hand and monies on bank deposits be eliminated and that the intangible tax on securities be reduced from 25¢ per $100 to 15¢ per $100, and recommending further that the tax on cigarettes be increased from 2¢ per pack to 5¢ per pack and that a tax be put on cigars, and requesting the City Council to petition the North Carolina League of Municipalities to support this request.

The City Manager urged that consideration of repeal of the intangibles tax be conditioned on replacement of the revenue.

Councilman Anderson moved that the City Manager and Corporation Counsel prepare resolutions on these requests for consideration at an early date, which motion was seconded by Councilman Dailey and unanimously adopted.

PROCLAMATION - HEAD-START WEEK

The Mayor proclaimed the week of May 17th as Head-Start Week in Asheville.

This claim was referred to the Corporation Counsel

PROCLAMATION - NATIONAL HOSPITAL WEEK

Mayor Montgomery proclaimed the week of May 10th through 17th as National Hospital Week.

PROCLAMATION - NURSES WEEK

Councilman Keleher read a proclamation signed by Mayor Montgomery designating the week beginning May 12th to be Nurses Week in Asheville.

Mrs. Keleher then introduced and congratulated Mrs. Louise Maney, Assistant Director of Nursing at St. Joseph's Hospital, who has been nominated by the Buncombe County Medical Society for the N. C. Nurse of the Year Award.

PROCLAMATION - NATIONAL ASSOCIATION OF INSURANCE WOMEN's WEEK

Mayor Montgomery read a proclamation designating the week of May 17th through 23rd as National Association of Insurance Women's Week.

KENNEL, WARWICK ROAD

Councilman Dailey presented a complaint that a kennel club is being operated at #26 Warwick Road, and this matter was referred to the City Manager.

CIVIC CENTER - QUESTIONS ON BALLOT

Councilman Colton discussed the four questions on the ballot for the forthcoming bond election, and asked that the news media publicize these questions, so the public may be fully informed.

PUMPER - FIRE DEPARTMENT

The City Manager reported that new bids are being called for on a pumper engine for the Fire Department, using the same specifications as before.

AIRSHOW - INVITATION TO ATTEND

Mr. Bill Norwood, President of the Western North Carolina Pilots Association, invited the Council to attend an Air Show to be held at the Airport on Sunday, May 17th.

Adjournment.

Wayne Montgomery MD
MAYOR

Margaret Summers
CITY CLERK

Thursday, May 27, 1970 - 1:00 o'clock P. M.

The Council of the City of Asheville, North Carolina, met in adjourned session at the City Hall, the usual place of meeting, at 1:00 o'clock P. M., on May 27, 1970.

Present: Mayor Wayne S. Montgomery, president, and Councilmen Henry E. Colton, Robert P. Crouch, Webster Anderson, Ruben Dailey, Luke Atkinson.

Absent: Councilman Barbara C. Keleher

Also present: Phin Horton, III, City Manager, and Margaret Simmons, City Clerk.

SPECIAL BOND ELECTION - RESOLUTION CANVASSING RETURNS

Councilman Anderson introduced in written form the following resolution which was read:

RESOLUTION CANVASSING THE RETURNS
OF THE SPECIAL BOND ELECTION HELD
ON MAY 26, 1970, AND DETERMINING
AND DECLARING THE RESULT THEREOF.

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the returns of the special bond election held on May 26, 1970, in the City of Asheville having been received from the proper election officers and having been canvassed, the Council has found and determined and does hereby declare:

(a) That each registrar and judge for said special bond election was duly qualified by law and had taken the necessary oath.

(b) That said election officers had incorporated in their returns not only the number of votes cast for and against the questions submitted, but also the number of voters registered and qualified to vote in each precinct in said special bond electi

(c) That at said special bond election there were submitted to the qualified voters of said City the following questions:

1. Shall an ordinance passed on April 9, 1970, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Auditorium Bonds in an aggregate principal amount not exceeding $1,850,000 for the purpose of providing funds, with the proceeds of $4,000,000 Auditorium Bonds authorized by an ordinance passed on October 19, 1967 and approved by a majority of the qualified voters of said City who voted thereon at a special bond election held on December 5, 1967 and any other available funds, for erecting an auditorium building, with facilities for public gatherings, exhibitions, amusements and athletic events and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved:

WATER - LETTERS FROM SCHOOL CHILDREN

Councilman Atkinson advised he had received a number of letters from school children at Haw Creek School regarding the water problem, and wanted to inform them that the Council is seeing to it that nothing happens to the water.

EMPLOYMENT OF BLACK PERSONNEL

Councilman Dailey discussed the Equal Emplment Program regarding the Post Office and advised that the Post Office is setting up an organization whereby black and deprived people will be given instruction on how to obtain jobs with the Post Office.

Councilman Dailey also discussed discrimination in the selling of lots in Riverside Cemetery and moved that the Council go on record as favoring the abolition of any such practice, if such does exist, which motion was seconded by Councilman Crouch and unanimously adopted.

Councilman Dailey also discussed the employment of black personnel by the city and urged that more effort be made in this regard.

EXPRESSWAY - SAFETY

Councilman Colton discussed the matter of safety on the expressway and asked when the center line barricade would be constructed.

He was advised by the City Manager that this is a State Highway project.

YMCA - OPENING

The Mayor called attention to the opening of the new YMCA on Sunday, May 24th.

ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL

Students of the Asheville-Buncombe County Youth Council spent the day in observing various departments of the city government, and the student acting as Mayor thanked the city administration for making this opportunity available. The student Council held a meeting in which various topics were discussed.

Dr. Montgomery spoke briefly on the need for communication between the students and adults, and offered help in any problem in which the city can participate.

Mr. Julian Prosser asked the support of the Youth Council in a clean-up drive to be conducted by the Jaycees in the Model Cities neighborhood.

COUNCIL MEETING

The City Manager advised that May 26th is the date set for the bond referendum and that the Council must canvass the votes on May 27th, and requested that this meeting be adjourned until Wednesday, May 27th, at 12 o'clock noon.

Councilman Dailey so moved, which motion was seconded by Councilman Crouch and unanimously adopted.

Wayne Montgomery
MAYOR

Margaret Lunsford
CITY CLERK

in accordance with law.

Section 2. That the following schedule correctly shows the designations of the several precincts at which said election was held and, as to each precinct, the location of the polling place, the number of voters registered and qualified to vote in each precinct, the number of votes cast in favor of each question submitted, the number cast against each question and the totals of such numbers:

Precincts	Polling Places	Voters registered and qualified to vote	Question 1		Question 2	
			Votes for	Votes against	Votes for	Votes Against
1	Court House	826	106	45	106	45
2	William Randolph School	2033	260	273	214	242
3	Claxton School	1790	275	225	225	193
4	North Asheville Community Center	2042	604	356	537	314
5	Ira B. Jones School	2088	664	353	636	352
6	East Asheville Community Center	2373	412	491	380	462
7	Newton School	1434	309	241	297	239
8	Biltmore School	659	61	116	47	95
9	Murphy Community Center	1188	46	295	39	255
10	Livingston Street School	1037	388	128	388	128
11	South French Broad High School	930	87	74	69	62
12	Hall Fletcher School	986	55	173	46	166
13	Eugene Rankin School	1206	58	196	51	173
14	Aycock School	1018	396	456	396	456
15	Vance School	2287	250	541	238	533
16	West Asheville Fire Station	1686	191	409	173	389
17	Asheville Art Museum 325 Charlotte Street	1344	351	219	321	191
	Totals	24,922	4513	4591	4165	4295

Precincts	Polling Places	Voters registered and qualified to vote	Question 3		Question 4	
			Votes for	Votes against	Votes for	Votes against
1	Court House	826	94	39	96	37
2	William Randolph School	2033	206	240	203	238
3	Claxton School	1790	228	200	216	203
4	North Asheville Community Center	2042	536	319	520	327
5	Ira B. Jones School	2088	636	352	628	356
6	East Asheville Community Center	2373	370	469	368	465
7	Newton School	1434	299	238	295	242

2. Shall an ordinance passed on April 9, 1970, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Civic Arts Center Bonds in an aggregate principal amount not exceeding $150,000 for the purpose of providing funds, with the proceeds of $1,300,000 Civic Arts Center Bonds authorized by an ordinance passed on October 19, 1967 and approved by a majority of the qualified voters of said City who voted thereon at a special bond election held on December 5, 1967 and any other available funds for constructing a municipal civic arts center, including the erection of a theater, amphitheater, concert halls, art museum, museums of history and natural history and incidental facilities, approaches, plazas, entrances, ways, streets, acquisition of necessary land, apparatus, fixtures and equipment, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

3. Shall an ordinance passed on April 9, 1970, (a) authorizing the issuance at such interest rate or rates as the Council of the City of Asheville shall determine, whether or not in excess of six per centum (6%) per annum, of the Auditorium Bonds, in an aggregate principal amount of $4,000,000, authorized by an ordinance passed by the Council on October 19, 1967 and approved by voters of the City who voted thereon on December 5, 1967, for the purpose of providing funds, with any other available funds, for erecting an auditorium building, with facilities for public gatherings, exhibitions, amusements and athletic events and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment, and (b) authorizing the levy and collection of a tax sufficient to pay the principal of and the interest on said bonds bearing interest as so determined, be approved?
(The Municipal Finance Act at the time of said election on December 5, 1967 contained a maximum interest rate limitation applicable to said bonds of six per centum (6%) per annum; it was later amended to provide that bonds issued thereunder should bear interest at such rate or rates as the governing body of the municipality shall determine. A failure on the part of the voters to approve said ordinance of April 9, 1970 shall not affect the authority of the City to issue said Auditorium Bonds, bearing interest not in excess of six per centum (6%) per annum as authorized by the ordinance of October 19, 1967.)

4. Shall an ordinance passed on April 9, 1970, (a) authorizing the issuance at such interest rate or rates as the Council of the City of Asheville shall determine, whether or not in excess of six per centum (6%) per annum, of the Civic Arts Center Bonds, in an aggregate principal amount of $1,300,000, authorized by an ordinance passed by the Council on October 19, 1967 and approved by voters of the City who voted thereon on December 5, 1967, for the purpose of providing funds, with any other available funds, for constructing a municipal civic arts center, including the erection of a theater, amphitheater, concert halls, art museum, museums of history and natural history and incidental facilities, approaches, plazas, entrances, ways, streets, and the acquisition of necessary land, apparatus, fixtures and equipment, (b) authorizing the levy and collection of a tax sufficient to pay the principal of and the interest on said bonds bearing interest as so determined, be approved?
(The Municipal Finance Act at the time of said election on December 5, 1967 contained a maximum interest rate limitation applicable to said bonds of six per centum (6%) per annum; it was later amended to provide that bonds issued thereunder should bear interest at such rate or rates as the governing body of the municipality shall determine. A failure on the part of the voters to approve said ordinances of April 9, 1970 shall not affect the authority of the City to issue said Civic Arts Center Bonds, bearing interest not in excess of six per centum (6%) per annum as authorized by the ordinance of October 19, 1967.)

(d) That no complaint has been made to this Board against the regularity of said election.

(e) That said election and the registration therefor were duly and properly held

a municipal civic arts center, including the erection of a theater, amphitheater, concert halls, art museum, museums of history and natural history and incidental facilities, approaches, plazas, entrances, ways, streets, acquisition of necessary land, apparatus, fixtures and equipment, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and interest on said bonds, and 4295 votes were cast against said ordinance, and that a majority of the qualified voters of said City who voted thereon at said election voted against said ordinance.

(d) That at said election 4131 votes were cast for the ordinance passed on April 9, 1970 (a) authorizing the issuance at such interest rate or rates as the Council of the City of Asheville shall determine, whether or not in excess of six per centum (6%) per annum, of the Auditorium Bonds, in an aggregate principal amount of $4,000,000 authorized by an ordinance passed by the Council on October 19, 1967 and approved by voters of the City who voted thereon on December 5, 1967, for the purpose of providing funds, with any other available funds, for erecting an auditorium building, with facilities for public gatherings, exhibitions, amusements and athletic events and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment, and (b) authorizing the levy and collection of a tax sufficient to pay the principal of and the interest on said bonds bearing interest as so determined, be approved?
(The Municipal Finance Act at the time of said election on December 5, 1967 contained a maximum interest rate limitation applicable to said bonds of six per centum (6%) per annum; it was later amended to provide that bonds issued thereunder should bear interest at such rate or rates as the governing body of the municipality shall determine. A failure on the part of the voters to approve said ordinance of April 9, 1970 shall not affect the authority of the City to issue said Auditorium Bonds, bearing interest not in excess of six per centum (6%) per annum as authorized by the ordinance of October 19, 1967), and 4356 votes were cast against said ordinance, and that a majority of the qualified voters of said City who voted thereon at said election voted against said ordinance.

(e) That at said election 4079 votes were cast for the ordinance passed on April 9, 1970, (a) authorizing the issuance at such interest rate or rates as the Council of the City of Asheville shall determine, whether or not in excess of six per centum (6%) per annum, of the Civic Arts Center Bonds, in an aggregate principal amount of $1,300,000 authorized by an ordinance passed by the Council on October 19, 1967 and approved by voters of the City who voted thereon on December 5, 1967, for the purpose of providing funds, with any other available funds, for constructing a municipal civic arts center, including the erection of a theater, amphitheater, concert halls, art museum, museums of history and natural history and incidental facilities, approaches, plazas, entrances, ways, streets, and the acquisition of necessary land, apparatus, fixtures and equipment, and (b) authorizing the levy and collection of a tax sufficient to pay the principal of and the interest on said bonds bearing interest as so determined, be approved?
(The Municipal Finance Act at the time of said election on December 5, 1967 contained a maximum interest rate limitation applicable to said bonds of six per centum (6%) per annum; it was later amended to provide that bonds issued thereunder should bear interest at such rate or rates as the governing body of the municipality shall determine. A failure on the part of the voters to approve said ordinance of April 9, 1970 shall not affect the authority of the City to issue said Civic Arts Center Bonds, bearing interest not in excess of six per centum (6%) per annum as authorized by the ordinance of October 19, 1967), and 4362 votes were cast against said ordinance, and that a majority of the qualified voters of said City who voted thereon at said election voted against said ordinance.

Section 4. That the certified copy of the returns of said election, made by the registrars and judges and filed with the Council, shall be filed in the archives of the City for public inspection.

Precincts	Polling Places	Voters registered and qualified to vote	Question 3		Question 4	
			Votes for	Votes against	Votes For	Votes against
8	Biltmore School	659	47	99	48	96
9	Murphy Community Center	1188	38	269	39	266
10	Livingston Street School	1037	388	128	388	128
11	South French Broad High School	930	66	67	68	66
12	Hall Fletcher School	986	50	169	49	166
13	Eugene Rankin School	1206	53	182	51	180
14	Aycock School	1018	396	456	396	456
15	Vance School	2287	236	535	231	541
16	West Asheville Fire Station	1686	171	396	167	390
17	Asheville Art Museum 325 Charlotte Street	1344	317	209	316	205
	Totals	24,922	4131	4356	4079	4362

Section 3. That from the canvass so made by this Board it is judicially determined and declared:

(a) That at said election 24,922 voters were registered and qualified to vote.

(b) That at said election 4513 votes were cast for the ordinance passed on April 9, 1970, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Auditorium Bonds in an aggregate principal amount not exceeding $1,850,000 for the purpose of providing funds, with the proceeds of $4,000,000 Auditorium Bonds authorized by an ordinance passed on October 19, 1967 and approved by a majority of the qualified voters of said City who voted thereon at a special bond election held on December 5, 1967 and any other available funds, for erecting an auditorium building, with facilities for public gatherings, exhibitions, amusements and athletic events and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 4591 votes were cast against said ordinance, and that a majority of the qualified voters of said City who voted thereon at said election voted against said ordinance.

(c) That at said election 4165 votes were cast for the ordinance passed on April 9, 1970, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Civic Arts Center Bonds in an aggregate principal amount not exceeding $150,000 for the purpose of providing funds, with the proceeds of $1,300,000 Civic Arts Center Bonds authorized by an ordinance passed on October 19, 1967 and approved by a majority of the qualified voters of said City who voted thereon at a special bond election held on December 5, 1967 and any other available funds, for constructing

held on December 5, 1967 and any other available funds, for erecting an auditorium building, with facilities for public gatherings, exhibitions, amusements and athletic events and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 4591 votes were cast against said ordinance, and that a majority of the qualified voters of said City who voted thereon at said eldction voted against said ordinance.

At said election 4165 votes were cast for the ordinance passed on April 9, 1970, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Civic Arts Center Bonds in an aggregate principal amount not exceeding $150,000 for the purpose of providing funds, with the proceeds of $1,300,000 Civic Arts Center Bonds authorized by an ordinance passed on October 19, 1967 and approved by a majority of the qualified voters of said City who voted thereon at a special bond election held on December 5, 1967 and any other available funds, for constructing a municipal civic arts center, including the erection of a theater, amphitheater, concert halls, art museum, museums of history and natural history and incidental facilities, approaches, plazas, entr ances, ways, streets, acqusiition of necessary land, apparatus, fixtures and equipment, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and interest on said bonds, and 4295 votes were cast against said ordinance, and that a majority of the qualified voters of said City who voted thereon at said election voted against said ordinance.

At said election 4131 votes were cast for the ordinance passed on April 9, 1970, (a) authorizing the issuance at such interest rate or rates as the Council of the City of Asheville shall determine, whether or not in excess of six per centum (6%) per annum, of the Auditorium Bonds, in an aggregate principal amount of $4,000,000 authorized by an ordinance passed by the Council on October 19, 1967 and approved by voters of the City who voted thereon on December 5, 1967, for the purpose or providing funds, with any other available funds, for erecting an auditorium building, with facilities for public gatherings, exhibitions, amusements and athletic events and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment, and (b) authorizing the levy and collection of a tax sufficient to pay the principal of and the interest on said bonds bearing interest as so determined, be approved?
(The Municipal Finance Act at the time of said election on December 5, 1967 contained a maximum interest rate limitation applicable to said bonds of six per centum (6%) per annum; it was later amended to provide that bonds issued thereunder should bear interest at such rate or rates as the governing body of the municipality shall determine. A failure on the part of the voters to approve said ordinance of April 9, 1970 shall not affect the authority of the City to issue said Auditorium Bonds, bearing interest not in excess of six per centum (6%) per annum, as authorized by the ordinance of October 19, 1967), and 4356 votes were cast against said ordinance, and that a majority of the qualified voters of said City who voted thereon at said election voted against said ordinance.

At said election 4079 votes were cast for the ordinance passed on April 9, 1970, (a) authorizing the issuance at such interest rate or rates as the Council of the City of Asheville shall determine, whether or not in excess of six per centum (6%) per annum, of the Civic Arts Center Bonds, in an aggregate principal amount of $1,300,000, authorized by an ordinance passed by the Council on October 19, 1967 and approved by voters of the City who voted thereon on December 5, 1967, for the purpose

Section 5. That this resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Upon motion of Councilman Anderson, seconded by Councilman Dailey, the foregoing resolution entitled: "RESOLUTION CANVASSING THE RETURNS OF THE SPECIAL BOND ELECTION HELD ON MAY 26, 1970, AND DETERMINING THE DECLARING THE RESULT THEREOF" was passed by the following vote:

Yeas: Councilmen Colton, Crouch, Anderson, Dailey, Atkinson, and Mayor Montgomery.

Nays: None

Thereupon the resolution entitled: "RESOLUTION CANVASSING THE RETURNS OF THE SPECIAL BOND ELECTION HELD ON MAY 26, 1970, AND DETERMINING AND DECLARING THE RESULT THEREOF" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

STATEMENT OF RESULT OF SPECIAL BOND ELECTION

Thereupon Councilman Anderson introduced in written form the following resolution which was read:

RESOLUTION PROVIDING FOR THE RECORDING, FILING AND PUBLICATION OF THE STATEMENT OF THE RESULT OF THE SPECIAL BOND ELECTION HELD ON MAY 26, 1970.

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the Council has prepared and does adopt the following statement of the result of the special bond election held in the City of Asheville on May 26, 1970.

STATEMENT OF THE RESULT OF THE
SPECIAL BOND ELECTION
held in the
CITY OF ASHEVILLE, NORTH CAROLINA
on May 26, 1970

At a special bond election held in the City of Asheville on May 26, 1970, 24,922 voters were registered and qualified to vote.

At said election 4513 votes were cast for the ordinance passed on April 9, 1970 authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Auditorium Bonds in an aggregate principal amount not exceeding $1,850,000 for the purpose of providing funds, with the proceeds of $4,000,000 Auditorium Bonds authorized by an ordinance passed on October 19, 1967 and approved by a majority of the qualified voters of said City who voted thereon at a special bond election

Yeas: Councilmen Colton, Crouch, Anderson, Dailey, Atkinson, and Mayor Montgomery.

Nays: None

Thereupon the resolution entitled: "RESOLUTION PROVIDING FOR THE RECORDING, FILING AND PUBLICATION OF THE STATEMENT OF THE RESULT OF THE SPECIAL BOND ELECTION HELD ON MAY 26, 1970" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

CIVIC CENTER - CONSTRUCTION CONTRACT

The City Manager reported to the Council that this morning members of the Advisory Building Committee, representatives of the architects and some staff members met and the following alternatives have been formulated:

1. Let contracts (estimated cost $4,605,000) for arena-convention area without air conditioning, without seating, and auditorium renovation with seating. No reservation of funds for community theater, no lobby (already spent approximately $640,000).

2. Let contract for arena area for about $4,300,000 and lobby about $448,000 totaling $4,748,000 with no auditorium renovation. Provides no civic arts performing or museum space, and probably violates original bond intent.

3. Let no contract. Pay off $1,000,000 bond anticipation note, $640,000 to expense already paid, about $322,000 to architect, balance to debt service. Raise cash or non-cash credits due urban renewal contracts for $1,450,000. Offer Heart of Asheville property for sale and condemn auditorium.

4. Let arena contract alone for $4,3 million (have available only $3,4 million without civic arts funds). Provides no auditorium renovation, no civic arts or museum space, no seating, no air conditioning, and no lobby.

5. Award Basic arena contract, including negotiated changes (about $4.3 million) and reserve the right to award remainder on present bids for 120 days if additional funds are available; if not, use alternative 1 above.

6. Reject all bids and instruct Building Committee and architect to redesign civic center within available funds. This results in probable loss of most of architectural and engineering fees already paid or owed and costs of additional such fees for redesigned facility.

Mr. Robert Terrell reported to the Council that his committee recommended the acceptance of Alternative 5.

There was a discussion by Council members, and Councilman Anderson moved that Alternative 1, let contracts for arena-convention area without air conditioning, without seating, and auditorium renovation with seating, no reservation of funds for community theater, no lobby, be accepted by the Council and the Mayor be authorized to enter into contracts covering this work, which motion was seconded by Councilman Crouch.

Mr. Paul Goodman spoke on Alternative 5, and Mr. George Stevens also spoke in this regard.

of providing funds, with any other available funds, for constructing a municipal civic arts center, including the erection of a theater, amphitheater, concert halls, art museum, museums of history and natural history and incidental facilities, approaches, plazas, entrances, ways, streets and the acquisition of necessary land, apparatus, fixtures and equipment, and (b) authorizing the levy and collection of a tax sufficient to pay the principal of and the interest on said bonds bearing interest as so determined, be approved? (The Municipal Finance Act at the time of said election on December 5, 1967 contained a maximum interest rate limitation applicable to said bonds of six per centum (6%) per annum; it was later amended to provide that bonds issued thereunder should bear interest at such rate or rates as the governing body of the municipality shall determine. A failure on the part of the voters to approve said ordinance of April 9, 1970 shall not affect the authority of the City to issue said Civic Arts Center Bonds, bearing interest not in excess of six per centum (6%) per annum as authorized by the ordinance of October 19, 1967), and 4362 votes were cast against said ordinance, and that a majority of the qualified voters of said City who voted thereon at said election voted against said ordinance.

This statement is given by order of the Council of the City of Asheville, this 27th day of May, 1970.

Wayne S. Montgomery, M. D.
Mayor
Webster Anderson
Ruben J. Dailey
Luke Atkinson
H. E. Colton
Robert P. Crouch

_____
Councilmen

Section 2. That when the foregoing statement shall have been signed by a majority of the members of this Council and delivered to the City Clerk, the latter shall record it in the Ordinance Book of the City, and such statement shall be filed in the office of said City Clerk and published by said City Clerk once in The Asheville Times. A notice substantially in the following form shall be appended to the copy of the foregoing statement which is published:

TO THE CITIZENS AND TAXPAYERS OF THE CITY OF ASHEVILLE:

No right of action or defense founded upon the invalidity of the election mentioned in the foregoing statement shall be asserted, nor shall the validity of such election be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the publication of the foregoing statement.

Margaret Simmons
City Clerk

Section 3. That this resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

Wayne S. Montgomery, M.D.
Mayor

_____
Corporation Counsel

_____
City Clerk

Upon motion of Councilman Anderson, seconded by Councilman Atkinson, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE RECORDING, FILING AND PUBLICATION OF THE STATEMENT OF THE RESULT OF THE SPECIAL BOND ELECTION HELD ON MAY 26, 1970" was passed by the following vote:

REZONING REQUEST - From Railroad to Spring Dale to McArthur Lane and Glendale Avenue, Ward 7, Sheet 16 - Mrs. L. W. Mitchell

Mrs. Lawrence W. Mitchell presented a petition signed by 63 persons requesting the rezoning from RA-6 to Commercial the property from the railroad to Spring Dale to McArthur Lane and Glendale Avenue, Ward 7, Sheet 16, and requested a public hearing on this matter.

The City Manager advised it would be necessary to obtain a description of the property.

Councilman Crouch moved that the Planning staff furnish a description of the area requested to be rezoned so that an advertisement can be prepared for a public hearing, which motion was seconded by Councilman Dailey and unanimously adopted.

TRASH COMPLAINT

Mrs. Burton Peake of the Keep Asheville Beautiful Committee presented a complaint from the resident at 24 Brevard Road about trash blowing on to her property from the Atkinson Furniture Store.

COUNCIL MEETING

Councilman Crouch moved that the next meeting of the Council be held on June 4th, which motion was seconded by Councilman Dailey and unanimously adopted.

Adjournment.

Wayne Hunt Jr., M.D.
MAYOR

Margaret Summerrow
CITY CLERK

Councilman Dailey moved that Alternative 1 be accepted with the addition of the 120 days as provided in Alternative 5. There was no second to the motion.

There was a further discussion by the Council, following which a vote was taken on the motion and it passed by a vote of 5 to 1 with Councilmen Colton, Crouch, Anderson, Dailey, and Mayor Montgomery voting in favor of the motion and Councilman Atkinson voting against the motion.

SANITARY LANDFILL - PETITION OF RESIDENTS OF WOODFIN AREA

Consideration of a petition from the residents of the Woodfin area complaining about some practices of refuse disposal at and about the Asheville sanitary landfill.

Mr. Norman Austin presented petitions to the Council requesting that trucks adhere to the two routes of Merrimon Avenue and Highway 191, and also requesting that the City comply with promises made to the people of garbage and tr ash would be covered daily, that there be no odor and there be no rodents or insects.

Mr. Atkinson spoke on the subject, stating he believed private haulers were responsible for some of the trouble. Mr. Paul Green also spoke.

Following the discussion, the matter was referred to the City Manager.

ORDINANCE NO. 671 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1970 AND ENDING JUNE 30, 1971

Third reading of Ordinance No. 671, levying, assessing, imposing and defining the license and privilege taxes of the City of Asheville for the fiscal year beginning July 1, 1970 and ending June 30, 1971.

Said Ordinance No. 671 was unanimously passed on its third and final reading.

ORDINANCE NO. 672 - AN ORDINANCE PROHIBITING PARKING IN A CUL-DE-SAC AT THE NORTH END OF TRADE STREET

Second reading of Ordinance No. 672, prohibiting parking in a cul-de-sac at the north end of Trade Street.

Said Ordinance No. 672 was unanimously passed on its second reading.

PROCLAMATION - RECREATION MONTH

The Vice-Mayor read a proclamation signed by the Mayor designating the month of June as Recreation Month.

RESULTS OF ELECTION - READ IN FRONT OF CITY HALL

Mr. Edison Hill, Chairman of the City Board of Elections, reported that the results of the election had been read in front of the City Hall, as provided in the City Charter.

for one 1,000 gallon tri-combination pumper for the Asheville Fire Department.

Item #1	Mack Trucks, Inc. $31,839.10	Boyce L. Ford, Inc. $25,020.00
Alternate Bid	$34,600.00	$32,570.00

and read a letter from Chief Smith of the Fire Department recommending the purchase of the American LaFrance pumper, in which the City Manager concurred.

Councilman Atkinson discussed the merits of the Mack equipment.

Following a discussion Councilman Anderson moved that the low bid of Boyce L. Ford, Inc. be accepted, which motion was seconded by Councilman Crouch and unanimously adopted.

CLAIM - Mrs. Allie Mae Rogers

6. Consideration of a claim for damages presented by Mrs. Allie Mae Rogers for damages allegedly incurred while walking along city streets.

Said claim was referred to the Corporation Counsel.

MODEL CITIES - APPROVAL OF FIRST YEAR ADMINISTRATIVE STRUCTURE AND BUDGET

7. Consideration of a resolution recommending approval of the first year administrative structure and budget for administration of the Model Cities Program.

The City Manager explained the administrative structure and budget and recommended the passage of said resolution. Mr. Delaney, Executive Director of Model Cities, spoke briefly.

Following a discussion by Council members, Resolution No. 70-54, "RESOLUTION APPROVING THE ASHEVILLE MODEL CITIES ADMINISTRATIVE STRUCTURE AND BUDGET - 1970-1971", was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 474.

RESOLUTION AUTHORIZING FILING OF APPLICATION OF GRANT WITH HUD FOR EXTENSION OF SOUTH BUNCOMBE WATER LINE

8. Consideration of a resolution authorizing the Mayor to file an application with the Department of HUD for a South Buncombe water line extension from a point near Mills Gap Road to the County line.

The City Manager explained the resolution and Mr. Hanks spoke briefly on the project.

Said resolution #70-55, "RESOLUTION AUTHORIZING FILING OF APPLICATION WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, UNITED STATES OF AMERICA, FOR A GRANT

Regular Meeting Thursday, June 4, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding and City Clerk Margaret Simmons.

Absent: None

1. Approval of minutes of meeting of May 27, 1970.

The minutes of the meetings of May 21st and May 27th were approved as submitted.

SITE PLAN - HOUSING PROJECT
NC 7-11

2. Public hearing reviewing the site plan of Housing Project NC 7-11 located south of Fairview Road between Main Street and East View Avenue.

The Mayor opened the public hearing at 3:05, and the City Manager read the letter from the Planning and Zoning Commission recommending approval of said site plan with certain variances, the letter from the architects requesting said variances, and a letter from Mr. Buirgy regarding water and sanitary sewer facilities.

Speaking in opposition to the approval of said site plan were Broadus Singleton, William Ramsey and Rev. G. A. McCurry, Chairman of the Oakley Residents Committee.

Speaking for the approval of said site plan were Mr. Jack Stewart, Chairman of the Housing Authority, and Mr. Richard Jenkins, architect, and Mr. Bradfield, architect.

The Mayor closed the public hearing at 3:42.

Following a discussion Councilman Dailey moved that the site plan as presented be approved, which motion was seconded by Councilman Colton and unanimously adopted.

ORDINANCE NO. 672 - AN ORDINANCE
PROHIBITING PARKING IN A CUL-DE-
SAC AT THE NORTH END OF TRADE STREET

Ordinance No. 672, being "AN ORDINANCE PROHIBITING PARKING IN A CUL-DE-SAC AT THE NORTH END OF TRADE STREET", was unanimously passed on its third and final reading.

PLAT APPROVED - MID-CONTINENT
CORPORATION SUBDIVISION

4. Reading of a letter from the Director of Planning recommending approval of the final plat of the Mid-Continent Corporation Subdivision (Deaverview Lease Housing Project) located north of Deaverview Road and west of Bear Creek Road.

The City Manager read the letter from the Planning Director, and following a discussion Councilman Colton moved that this final plat be approved, which motion was seconded by Councilman Keleher and unanimously adopted.

BIDS - ONE 1,000 GALLON
TRI-combination pumper
for ASHEVILLE FIRE DEPARTMENT

The City Manager advised that after due advertisement two bids had been received

Regular Meeting Thursday, June 11, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

Absent: Councilmen Henry E. Colton, and Luke Atkinson

1. Approval of minutes of meeting of June 4, 1970.

The minutes were approved as submitted.

STATE HIGHWAY COMMISSION - AGREEMENT - PROJECT - 7.7130204

2. Consideration of a resolution authorizing the Mayor to enter into a municipal agreement with the State Highway Commission, concerning relocation of utility lines and participation in right-of-way acquisition over a five year period for Project 9.7130204.

Resolution No. 70-57 was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 477.

EMPLOYEES' HOSPITALIZATION AND LIFE INSURANCE CONTRACT AWARDED TO LIFE ASSURANCE COMPANY OF CAROLINA

3. Consideration of a recommendation from the Employees' Insurance Committee regarding the awarding of contract for employees' hospitalization and life insurance coverage.

The City Manager advised that the Employees' Insurance Committee had employed a consultant, Booke and Company, to draw up specifications and make recommendations regarding this insurance; that fourteen proposals were received, and that the lowest proposal was from Life Assurance Company of Carolina, and that Booke and Company and the Employees' Insurance Committee recommended acceptance of said proposal.

Mr. David Young, representing the Blue Cross and Blue Shield, spoke about the group insurance coverage provided by his company, and requested that the matter be returned to the Committee to give him an opportunity to be heard.

Councilman Crouch disqualified himself from voting on the question because of being on the Board of Directors of Blue Cross and Blue Shield.

Following a discussion, Councilman Dailey moved that the Council accept the recommendation of the Employees' Insurance Committee and award the contract to Life Assurance Company of Carolina, which motion was seconded by Councilman Anderson and adopted.

MODEL CITIES AREA - RELOCATION POLICY

4. Consideration of a resolution adopting a relocation policy for all displaced persons in the Model Cities area.

UNDER P. L. 89-117", was, upon motion of Councilman Crouch, seconded by Councilman Colton, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 475.

RESOLUTION OF GRATITUDE FOR SERVICES OF GEORGE A. GRAGG, JR.

9. Consideration of a resolution of gratitude concerning the services of George A. Gragg, Jr.

Resolution No. 70-56, "RESOLUTION OF GRATITUDE CONCERNING THE SERVICES OF GEORGE A. GRAGG, JR", was, upon motion of Councilman Dailey, seconded by Councilman Crouch, unanimously adopted, and the Mayor and City Manager both thanked Mr. Gragg personally. Mr. Gragg expressed his appreciation for the resolution.

Complete text of resolution will be found in Resolution Book #5 at page 476.

The Mayor announced that Dr. Louis Waller had resigned as the city representative on the Community Relations Council, and advised that Mr. Gragg had accepted this position.

MODEL CITIES CLEAN-UP CAMPAIGN

Councilman Dailey stressed the importance of the clean-up campaign in the Model Cities area with the combined help of the Model Cities residents and the Jaycees

BEAUCATCHER TUNNEL

Councilman Anderson discussed the Beaucatcher Tunnel, and stated that a strong effort should be made to get some relief from traffic situation and pollution problem.

BRICK STREET - RUBBISH

Mr. L. H. McCord called attention to rubbish on Brick Street, and the Mayor advised this would be taken care of in the clean-up campaign.

Mr. McCord also called attention to the need for speed limit signs on College Street.

Adjournment.

Wayne Montgomery, MD
MAYOR

Margaret Simmons
CITY CLERK

visory Committee for site selection and construction recommendations for the Community Theatre Building.

Councilman Crouch moved that this resolution be tabled, which motion was seconded by Councilman Dailey and adopted with Councilman Anderson dissenting.

AIR POLLUTION CONTROL - RESOLUTION OF KEEP ASHEVILLE BEAUTIFUL COMMITTEE

9. Consideration of a resolution presented by the Keep Asheville Beautiful Committee concerning the enforcement of air pollution control ordinances.

The City Manager read a resolution of the Keep Asheville Beautiful Committee urging the City Council, the Buncombe County Board of Commissioners and the Regional Air Pollution Control Board to permit continuation of a junk car disposal operation until August 31, 1970.

The City Manager advised that the City is concerned with the abandoned car problem, but that he does not think any ordinances enacted by the Council are directly involved with the current air pollution enforcement methods being used.

Dr. Roy Riggs of the Keep Asheville Beautiful Committee spoke on the subject and urged the continuation of the junk car disposal operation if it is determined that a serious air pollution problem will not be created.

Councilman Anderson suggested that the proposed resolution required more study and suggested that it be received for study, and the Mayor directed the City Manager and Corporation Counsel to study the junk car disposal situation.

MUNICIPAL GOLF CLUB HOUSE - RENTAL OF BASEMENT

Mr. Herton Hodge discussed the rental of the basement of the Municipal Golf Course Club House, and the fact that the Director of Parks and Recreation had advised that this property would no longer be available for rental, and suggested that the basement be made available to members for storage of equipment, etc, advising that the space was too small to be of much use to the general public. Mr. Hodge advised that a committee could make up a set of rules and regulations for the use of said space.

The Mayor asked Mr. Hodge to submit his proposal to the Director of Parks and Recreation, the Recreation Advisory Board and the City Manager.

CLEAN-UP CAMPAIGN

Mrs. Ethel Steele thanked the Jaycees and the City for their work in the recent clean-up campaign in the Model Cities area, and Councilman Keleher urged many more volunteer workers to join in the effort this weekend.

E. R. McCARTHY

Mr. E. R. McCarthy questioned the combining of the Civic Center with the Civic Arts Center, and the Corporation Counsel advised that this met the approval of the bond attorneys.

The City Manager read excerpts from the Interim Relocation Plan.

Miss McCoy spoke in opposition to Model Cities.

Said resolution No. 70-58 was, upon motion of Councilman Keleher, seconded by Councilman Anderson, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 478.

LEASE - 10 SOUTH PACK
SQUARE FOR PUBLIC LIBRARY
PURPOSES

5. Consideration of a resolution authorizing the Mayor to execute new lease agreement of 10 South Pack Square for public library purposes.

The Mayor thanked Mr. Kenneth Brown, Director of Libraries, for his fine work in directing the libraries, and Mr. Brown expressed appreciation for the cooperation extended the libraries.

Said Resolution No. 70-59 was, upon motion of Councilman Dailey, seconded by Councilman Keleher, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 479.

POWELL BILL - REQUEST TO
DOUBLE AMOUNT

6. Consideration of a resolution concerning State street aid allocations to municipalities (the Powell Bill).

The City Manager advised the Council that as a member of the Executive Committee of the North Carolina League of Municipalities that he would work to achieve the accomplishment of this resolution in the next session of the Legislature.

The Mayor thanked Mr. Jack Barfield for his work in this regard.

Said resolution No. 70-60 was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 480.

INTANGIBLES TAX - REPEAL
RECOMMENDED

7. Consideration of a resolution recommending repeal of North Carolina personal property intangible taxes provided other state shared taxes can replace the annual revenue.

Said resolution No. 70-61 was, upon motion of Councilman Anderson, seconded by Councilman Keleher, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 481.

ADVISORY COMMITTEE FOR SITE
SELECTION AND CONSTRUCTION
RECOMMENDATION FOR Community Theatre

8. Consideration of a resolution directing City Manager to utilize an Ad-

Regular Meeting Thursday, June 18, 1970 - 3:00 o'clock P. M.

Present: Wayne S. Montgomery, Mayor presiding; Councilmen Robert P. Crouch, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, and City Clerk Margaret Simmons.

Absent: Councilmen Henry E. Colton and Mrs. Barbara C. Keleher, and Corporation Counsel James N. Golding.

1. Approval of minutes of meeting of June 11, 1970.

The minutes were approved as submitted

ZONING - PUBLIC HEARING ON REQUEST OF MRS. LAWRENCE W. MITCHELL

2. Public hearing on the rezoning of the property of Mrs. Lawrence W. Mitchell and others along Glendale Avenue from the railroad to Springvale and to McArthur Lane (property to be rezoned from RA-6 to Commercial District.

The Mayor opened the public hearing at 3:01, and the City Manager read the advertisement of the public hearing and the recommendation of the Planning and Zoning Commission and staff.

Mr. Nick Kmecza, Director of Planning, was present to answer any questions.

Mrs. Lawrence W. Mitchell spoke in favor of said zoning.

The Mayor closed the public hearing at 3:13. No action was taken on the ordinance and the property remains as it is now zoned.

ZONING ORDINANCE - AMENDMENT REQUESTED (Lot 137, Sheet 20, Ward 8 - Bernie B. Haynie)

3. Consideration of a request for the rezoning of the property of B. J. Haynie at 20 Britt Street from RA-6 to Industrial.

This request was referred to the Planning and Zoning Commission for study and recommendation.

LEASE - 12 SOUTH PACK SQUARE - EDWARD W. ALFRIEND, IV

4. Consideration of a resolution authorizing the Mayor to execute a lease agreement at 12 South Pack Square for public library purposes.

Resolution No. 70-62 was upon motio n of Councilman Crouch, seconded by Councilman Anderson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 482.

RECREATION BOARD FOR ASHEVILLE - APPOINTMENT OF MEMBERS (David B Cheadle and William M. Peyton)

5. Consideration of a resolution appointing members of the Recreation

OPEN BURNING - POSITION
OF AIR POLLUTION BOARD

Mr. Ronald Boone, Executive Director of the Western North Carolina Regional Air Pollution Board, stated his position that open burning was in violation of the regulations of said Board.

MAYOR

CITY CLERK

George Coggins and other taxpayers.

Councilman Dailey moved that this matter be referred to the Corporation Counsel, which motion was seconded by Councilman Crouch and unanimously adopted.

JUNK CARS - DISPOSAL

Councilman Atkinson discussed the disposing of junk cars without burning, stating he had been advised the equipment could be purchased for around $15,000, and, after discussion, it was suggested that this information be placed in the hands of private enterprise.

FIRE EXTINGUISHERS

Councilman Atkinson discussed fire extinguishers being required in various places of business and inquired about charges for inspection.

The City Manager advised he would have the Fire Prevention Bureau get in touch with Mr. Atkinson concerning this matter.

BUS SERVICE - COMPLAINT OF L. C. NELSON

Mr. L. C. Nelson of 60 Hi Alta, stating he represented the citizens in this area, complained about the curtailment of bus service and asked that it be restored.

The Mayor advised Mr. Nelson that the city has nothing to do with bus service, and this is a matter for the Asheville Transit Authority. The City Clerk was asked to write the Asheville Transit Authority and request them to explain this situation to Mr. Nelson.

MISS MCCOY

Miss Fannie B. McCoy discussed the proposed budget.

MRS. BOLAND - PROPERTY ON WEST CHAPEL ROAD

Mrs. Boland inquired about the status of her property on West Chapel Road, and Mr. Johnson, the Building Inspector, advised that this property had been closed for 180 days, and, since it was zoned residential and business was a non-conforming use, it could not now be remodeled and used for business property. Mrs. Boland was advised that she could take an appeal from this ruling to the Board of Adjustment.

Adjournment

MAYOR

CITY CLERK

Board for Asheville.

Resolution No. 70-63 was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 483.

BUDGET ESTIMATE PRESENTED BY CITY MANAGER

6. Presentation of the 1970-71 Annual Budget Estimate and consideration of accepting it for study and ordering it placed in the office of the City Clerk for at least 20 days for public inspection.

The City Manager presented the Budget Estimate as prepared by the City Manager and discussed it at length, pointing out significant items.

Following the discussion Councilman Crouch moved that the budget be taken under consideration by Council, that it lie on the desk of the City Clerk for 20 days, and that the City Clerk advertise in the newspaper that the budget is open for public inspection, which motion was seconded by Councilman Anderson and unanimously adopted.

ORDINANCE NO. 673 - INTERIM APPROPRIATION ORDINANCE

7. Consideration of Interim Appropriation Ordinance.

Ordinance No. 673, being Interim Appropriation Ordinance, was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously passed on its first reading.

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS - DISPENSED WITH

Councilman Anderson moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Crouch and unanimously adopted.

ORDINANCE NO. 673 - INTERIM APPROPRIATION ORDINANCE

Ordinance No. 673, being Interim Appropriation Ordinance, was unanimously passed on its second reading.

ORDINANCE NO. 673 - INTERIM APPROPRIATION ORDINANCE

Ordinance No. 673, being Interim Appropriation Ordinance, was unanimously passed on its third and final reading.

CIVIC CENTER - LEGAL ACTION

The City Manager advised that legal action had been served on him in behalf of

Councilman Anderson advised that the Youth Council has a point system in which they judge their interest in this work, and if they fail to make so many meetings they are automatically released from the Council. Councilman Anderson then moved that the Adult Advisory Board of the Youth Council be authorized to adopt a plan whereby when a member who does not attend assigned meetings or work with assigned committees, be removed from the Adult Advisory Board and the City Council notified to appoint a replacement, which motion was seconded by Councilman Colton and unanimously adopted.

MODEL CITIES EMPLOYMENT POLICY

4. Consideration of a resolution creating a Model Cities employment policy.

Resolution No. 70-66 was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 486.

CLAIM FOR DAMAGES - Charles Livengood

5. Presentation of a claim for damages by Mr. Charles Livengood for damages occurring to his car due to the alleged negligence of the city.

This claim for damages was referred to the Corporation Counsel for investigation.

GRANT RECEIVED FOR PARKS IN CITIES FROM OPEN SPACE PROGRAM OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

6. Announcement of the approval of an application for Parks in Cities Funds from the Open Space Program of the Department of Housing and Urban Development.

Miss Barnett, Director of Parks and Recreation, advised that $9,800 had been allocated for the acquisition and development of five acres of land and described the sites.

WORKABLE PROGRAM RECERTIFICATION

7. Announcement of the Recertification by the Department of Housing and Urban Development of the Workable Program for the City of Asheville.

Mayor Montgomery announced that the Department of Housing and Urban Development has recertified Asheville's workable program, and Mr. Will King, administrative assistant to Neal Hanks, executive director of planning and development, discussed what the City proposed in the new workable program to do in the next two year period, and advised that the comprehensive community plan is scheduled for completion in about a year.

ASHEVILLE TRANSIT AUTHORITY - APPOINTMENT OF MEMBER (Murry L. Miller)

8. Consideration of resolution appointing member of Asheville Transit

Regular Meeting Thursday, June 25, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Webster Anderson, Ruben Dailey, Luke Atkinson, and Margaret Simmons, City Clerk.

Absent: Councilmen Robert P. Crouch and Barbara C. Keleher; City Manager Phin. Horton, III and Corporation Counsel J. N. Golding

1. Approval of minutes of meeting of June 18, 1970.

The minutes were approved as submitted.

ORDINANCE NO. 674 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1970-71

Ordinance No. 674, being "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1970-71", was, upon motion of Councilman Colton, seconded by Councilman Anderson, unanimously passed on its first reading.

LEASE - FURMAN WILLIAMS - PROPERTY AT LAKE JULIAN

2. Consideration of a resolution authorizing the Mayor to enter into a lease agreement with Furman Williams for certain lake front properties at Lake Julian for recreational purposes.

Resolution No. 70-64 was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 484.

ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL - RESOLUTION AMENDING STRUCTURE OF ADVISORY BOARD AND APPOINTING MEMBERS (H. H. Zeugner, Mrs. Lois Yancy, James W. Adams, Mrs. Emil O. Stahl, Mrs. Harry P. Clay, Mrs. Jack Cole, Rev. W. A. Eason, Mrs. Don Williams, William Huggard, Miss Julia Capps, George Gragg, Rev. James Wayne)

3. Consideration of a resolution amending the structure of the Adult Advisory Board for the Asheville-Buncombe County Youth Council and the terms of its members, and appointing members thereto.

Resolution No. 70-65 was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 485.

Regular Meeting Thursday, July 2, 1970 - 3:00 o'clock P. M.

Present. Vice Mayor Webster Anderson presiding; Councilmen Henry E. Colton; Mrs. Barbara C. Keleher, Ruben Dailey, Luke Atkinson, City Manager Wm. Horton, III, Corperation Counsel J. N. Golding, and City Clerk Margaret Simmons.

Absent: Mayor Wayne S. Montgomery and Councilman Robert P. Crouch

1. Approval of minutes of meeting of June 25, 1970.

The minutes were approved as submitted

PLAT AND MAPS - PLAT APPROVED
FOR PROPOSED SUBDIVISION
ORDINANCE 424

2. Reading of a letter from the Director of Planning recommending approval of final plat of the Highland Meadows Subdivision located south of Wyatt Street and east of Brooklyn Road.

Councilman Dailey moved that the plat be approved under the provisions of Subdivision Ordinance 424, which motion was seconded by Councilman Atkinson and unanimously adopted.

ORDINANCE NO. 674 - AN ORDINANCE
ADOPTING AND APPROPRIATING THE
OPERATING BUDGET AND FIXING THE
TAX RATE OF THE CITY OF ASHEVILLE
FOR THE FISCAL YEAR 1970-71

3. Second reading of Ordinance No. 674 adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the fiscal year 1970-71.

The City Manager recommended certain changes in the budget estimate as follows:

Adding $5,000 on page 33 to A-7010/Recreation, changing the total from .03 to .41 line item total in $15,578 to $20,578 and changing the figures $75,183 to $80,183.

On page 38 Cemeteries changing the figures from $3,500 to $7,340 and changing the total to $62,601.00

On page 19 changing the figure $209,392 to $200,392.00 in Contingencies.

Councilman Atkinson moved that the above changes be approved, which motion was seconded by Councilman Dailey and unanimously adopted.

Ordinance No. 674 was passed on its second reading.

Councilman Atkinson then offered for consideration the following changes in the budget estimate:

Increasing the water revenues $60,000 in anticipation of increasing certain industrial water rates; reducing contingencies by $50,000.00; reducing salaries by $41,054; reducing expenses for parking lots by $35,000, reducing cemeteries by $15,000, and eliminating the $259,664 expense of maintaining and repairing water

Authority.

Resolution No. 70-67 was, upon motion of Councilman Anderson, seconded by Councilman Colton, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 487.

ZONING ORDINANCE - AMENDMENT
REQUESTED (Lot 71, Hazel Ward,
Sheet 5 - Doyle Woody)

Mr. Doyle Woody presented a request for the rezoning of Lot No. 71, Hazel Ward, Sheet 5, from RA-6 Residential to Roadside Business.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Adjournment.

MAYOR

CITY CLERK

Resolution No. 70-71 was, upon motion of Councilman Keleher, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 491

LEASE AGREEMENT - MODEL CITIES COMMISSION

9. Consideration of a resolution approving execution of an addendum to lease agreement with Pioneer, Inc., dated August 10, 1969, for additional Model City Commission space.

Resolution No. 70-72 was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 492.

MUNICIPAL GOLF COURSE - EXPRESSION OF APPRECIATION

Mr. James G. Williams expressed appreciation for the manner in which the Municipal Golf Course has been kept, and advised that the public is invited to participate in the Skyview Golf Tournament.

MISS McCOY

Miss McCoy spoke against the addition of fluoride and caustic soda to the public water supply.

L. H. MCCORD

Mr. L. H. McCord complained about conditions at the corner of Poplar and Brick Street and asked that this area be cleaned up.

ASHEVILLE MALL - COMPLAINT

Mr. Frank Quinlan of White Pine Drive complained that R. L. Coleman had violated the site plan by bulldozing down trees in a triangular plot he owns between the shopping center buffer zone and residential property on White Pine Drive.

The City Manager advised that he had discussed this matter with the Chief Inspector and advised him that if it was necessary to issue a cease and desist order to do so

Councilman Keleher stated the Council has a moral obligation to see that Mr. Coleman does what he told Council he would do, and Councilman Atkinson stated Mr. Coleman had taken him on a tour of the site showing exactly what he would do and now is not doing this.

The Vice Mayor advised that the matter is being investigated.

Adjournment

VICE- MAYOR

Margaret Sumner
CITY CLERK

lines outside the city, making a total of $460,718 in added income or reduced expense.

QUIT-CLAIM DEED - Randolph F. Williams and wife, Dorothy Williams

4. Consideration of a resolution authorizing the Mayor and City Clerk of the City of Asheville to execute a quit-claim deed to Randolph F. Williams and wife, Dorothy Williams, for property on Louie Street.

Resolution No. 70-68 was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 488.

SALE OF CERTAIN SURPLUS CITY PROPERTY

5. Consideration of a resolution declaring certain property owned by the City of Asheville, including buses formerly used by the Asheville Transit Authority, to be surplus property and authorizing the sale thereof.

Resolution No. 70-69 was, upon motion of Councilman Keleher, seconded by Councilman Colton, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 489.

HOSPITALIZATION AND LIFE INSURANCE - DISCUSSION

6. Presentation by H. H. Zeugner, representative of Life Assurance of Carolina, Inc. concerning hospitalization and life insurance coverage for city employees.

Mr. Zeugner described the benefits of the program of hospitalization and life insurance coverage for city employees, and answered questions of the Council concerning same.

MODEL CITIES - REVISED PLANNING BUDGET

7. Consideration of a resolution approving the revised planning budget for the Model Cities Commission to conform with recommendations of federal auditors.

Resolution No. 70-70 was, upon motion of Councilman Colton, seconded by Councilman Keleher, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 490.

MODEL CITIES COMMISSION - INTERIM BUDGET

8. Consideration of a resolution approving an interim budget for the Model Cities Commission and authorizing the Mayor of the City of Asheville to request a Letter to Proceed from the Department of Housing and Urban Development.

Miss McCoy spoke against the Model Cities program.

get, but that there were some things which should be corrected by next year such as parking lots, cemetery, and maintenance of water lines outside the city, and suggested studies be made of these items.

Ordinance No. 674 was unanimously passed on its third and final reading.

The Mayor commended the City Manager, Director of Finance, and City Accountant for their work on the budget.

WATER LINE EXTENSION AUTHORIZED - HIGHLAND FARMS, INCORPORATED

6. Consideration of a resolution authorizing the Mayor to enter into an agreement with Highland Farms, Inc to construct water lines along Tabernacle Road. Said lines to be conveyed to the City of Asheville after installation in accordance with the current water line extension policy

Resolution No. 70-73 was, upon motion of Councilman Anderson, seconded by Councilman Colton, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 493.

WATER LINE EXTENSION AUTHORIZED - FRANK MINKER AND WIFE, EMMA MINKER (Franem Acres)

7. Consideration of a resolution authorizing the Mayor to enter into an agreement with Mr. and Mrs. Minker to construct water lines off Fanning Bridge Road in Henderson County for Franem Acres Subdivision. Said lines to be conveyed to the City of Asheville after installation in accordance with the current water line extension policy.

Resolution No. 70-74 was, upon motion of Councilman Keleher, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 494.

MISS ASHEVILLE - RESOLUTION COMMENDING AND ENCOURAGING

8 Consideration of a resolution commending and encouraging Miss Asheville in her quest for the title of Miss North Carolina.

Resolution No 70-75 was, upon motion of Councilman Keleher, seconded by Councilman Colton, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 495.

RUBBISH - POPLAR AND BRICK STREETS - REPORT OF INSPECTOR

Mr. J. E. Johnson, Chief Building Inspector, reported that an inspection had been made of the rubbish at the corner of Poplar and Brick Streets, and that the owner had been notified that he had until July 17th to abate this nuisance.

ASHEVILLE MALL - RECOMMENDATIONS OF PLANNING AND ZONING COMMISSION MUST BE MET

Regular Meeting Thursday, July 9, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Mrs. Barbara C. Keleher, Ruben Dailey, Luke Atkinson, Webster Anderson, City Manager Phin. Horton, III, and City Clerk Margaret Simmons.

Absent: Councilman Robert P. Crouch and Corporation Counsel J. N. Golding

1. Approval of minutes of meeting of July 2, 1970.

The minutes were approved as submitted.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lot 137, Sheet 20, Ward 8 - B. J. Haynie)

2. Reading of a letter from the Director of Planning recommending that the request of B. J. Haynie to rezone property at 20 Britt Drive from RA-6 Residential District to Industrial District be denied.

The City Manager read the letter, and no action was taken by the Council.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lot 71, Sheet 17, Ward 6 - Mr. and Mrs. Doyle Woody)

3. Reading of a letter from the Director of Planning recommending that the request of Mr. and Mrs. Doyle Woody to rezone property at the corner of Hazel Mill Road and Louisiana Avenue from RA-6 Residential District to Roadside Business Area be denied.

The City Manager read the letter, and no action was taken by the Council.

RANKIN AVENUE - PETITION TO CLOSE PORTION

4. Consideration of a petition requesting the closing of Rankin Avenue commencing with the northeast corner of the sidewalk on the north side of Hiawassee Street at the intersection of Hiawassee and Rankin.

The City Manager explained the petition, and recommended advertisement of a public hearing regarding the proposed closure of said portion of Rankin Avenue.

Councilman Colton moved that a public hearing be advertised on the proposed closing of a portion of Rankin Avenue described in the petition, which motion was seconded by Councilman Dailey and unanimously adopted.

ORDINANCE 674 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1970-71

5. Third reading of Ordinance No. 674 adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the fiscal year 1970-71.

Councilman Atkinson discussed the budget, stating he thought it was a good bud-

Regular Meeting Thursday, July 16, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding, Councilmen Henry E. Colton, Robert P. Crouch, Mrs Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel James N. Golding, and City Clerk Margaret Simmons.

Absent: None

Approval of minutes of meeting of July 6, 1970

The minutes were approved as submitted

MISS ASHEVILLE - RESOLUTION OF COMMENDING

2. Consideration of a resolution commending Miss Asheville in her success in obtaining the title of Miss North Carolina

Resolution No 70-76 was, upon motion of Councilman Keleher, seconded by Councilman Crouch, unanimously adopted

Complete text of resolution will be found in Resolution Book 5 at page 496.

The Mayor then presented Miss Connie Lerner with a key to the city, and Miss Lerner expressed her appreciation

SUPERIOR PERFORMANCE AWARD - MISS CORNELIA COLETTE LERNER

3. Consideration of a resolution conferring superior performance award to Miss Cornelia Colette Lerner for outstanding service to the City of Asheville in achieving the title of Miss North Carolina

Resolution No 70-77 was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted

Complete text of resolution will be found in Resolution Book 5 at page 497.

SUPERIOR PERFORMANCE AWARD - MR. ZEBULON CURTIS LEE

4. Consideration of a resolution conferring Superior Performance Award to Mr. Zebulon Curtis Lee for outstanding service as a sports announcer.

Resolution No. 70-78 was, upon motion of Councilman Colton, seconded by Councilman Crouch, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 498.

Mr Lee expressed his appreciation for this award

MODEL CITIES - RESOLUTION ESTABLISHING FIRST ACTION YEAR PROGRAM

5. Consideration of a resolution establishing the first action year program for the Model Neighborhood Area of Asheville, North Carolina.

Resolution No. 70-79 was, upon motion of Councilman Dailey, seconded by Councilman Anderson, unanimously adopted.

Mr. J. E. Johnson, Chief Building Inspector, discussed the Asheville Mall and in particular the triangle in the upper left hand corner of the plat, advising there was some question as to its status, and he would like clarification on this.

The City Manager advised that this could be done by a motion of the Council, which motion would indicate that the conditions that had been recommended by the Planning and Zoning Board be enforced by the Building Inspector.

Said conditions are as follows:

1. The buffer area shall not include any signs, lights, buildings, parking, driveways or streets, or any other type development.

2. The triangular area on the upper left portion of the site plan between the top of slope and west property line of Mr. Coleman's land shall not be developed for any commercial purposes and shall not be graded, cleared, or any other way be disturbed from its natural condition.

3. That the turf treatment be specified on the cut and fill sections and that they be properly maintained.

Councilman Anderson then moved that the approval motion be amended to add that the conditions recommended by the Planning and Zoning Board for this development plan be adhered to or the job be ordered stopped or certificate of occupancy be denied, which motion was seconded by Councilman Atkinson and unanimously adopted.

BLACK PEOPLE - EMPLOYMENT OF

Councilman Dailey discussed the matter of employment of black people by heads of departments, and recommended that more black people be employed.

The City Manager advised that there is a conscious effort to recruit black employees.

SALVATION ARMY PLAYGROUND - POLLUTION PROBLEM

Councilman Dailey called attention to a pollution problem at the Salvation Army Playground across from the Citadel, and this matter was referred to the Environment Inspector.

COMPLAINTS

Councilman Atkinson urged that people with problems call only one Councilman about a specific problem, and not call all of them about the same problem.

Adjournment

W S Lunsford, MD
MAYOR

Margaret Lemmond
CITY CLERK

Complete text of resolution will be found in Resolution Book 5 page 501.

HOUSING AUTHORITY - AGREEMENT
ON BEHALF OF TO PAY IN EXCESS
OF 6 PER CENT INTEREST, PROJECT
N.C. 7-11

10. Consideration of a resolution authorizing the execution of an agreement to pay in excess of 6 per cent interest on behalf of the Housing Authority of the City of Asheville on Project N.C. 7-11.

Resolution No 76-82 was, upon motion of Councilman Dailey, seconded by Councilman Anderson, unanimously adopted

Complete text of resolution will be found in Resolution Book 5 at page 502.

HAZEN AND SAWYER - REQUEST
FOR ADDITIONAL PAYMENT FOR
WATER RATE STUDY

11. Consideration of a request from Hazen and Sawyer, Engineers, for additional payment for services rendered to the City of Asheville and Buncombe County during the preparation of a water rate study.

The City Manager advised that Hazen and Sawyer was requesting an additional payment of $6,415.00 from the City of Asheville.

Councilman Atkinson stated he thought the City should hold Hazen and Sawyer to their original contract.

Councilman Anderson suggested that the City Manager discuss this matter with the County Commissioners and resubmit the proposal to the Council.

The City Manager requested that some members of the Council be asked to work with him, and the Mayor designated Councilmen Colton and Anderson.

HUMBLE OIL AND REFINING COMPANY -
GRANTED PERMISSION TO ERECT SIGN

12. Reading of a letter from the Director of Planning recommending issuance of a sign permit for erection of a sign for Humble Oil Company at 62 Charlotte Street which is within 200 feet of the Crosstown Expressway

There was a discussion concerning this sign permit. Mr. Cecil Jackson, representing a client who owns property in the vicinity, objected to the erection of the sign.

Following the discussion, Councilman Colton moved that the permit to erect said sign be approved, which motion was seconded by Councilman Crouch and unanimously adopted

STATE HIGHWAY COMMISSION - AGREEMENT
WITH - PROJECT 9.7130203 - MERRIMON AVENUE

13. Consideration of a resolution authorizing the Mayor to enter into an agreement with the North Carolina State Highway Commission regarding Project 9.7130203, Merrimon Avenue.

Complete text of resolution will be found in Resolution Book 5 at page 499.

Mrs. Roy Rogers discussed Model Cities and Urban Renewal.

ORDINANCE NO. 675 - AN ORDINANCE CREATING AND DEFINING THE MODEL CITIES COMMISSION AND CREATING A MODEL CITIES AGENCY WITHIN THE OFFICE OF THE CITY MANAGER

6. Consideration of an ordinance creating and defining the Model Cities Commission and creating a Model Cities Agency within the office of the City Manager.

Ordinance No. 675, being "AN ORDINANCE CREATING AND DEFINING THE MODEL CITIES COMMISSION AND CREATING A MODEL CITIES AGENCY WITHIN THE OFFICE OF THE CITY MANAGER", was, upon motion of Councilman Anderson, seconded by Councilman Atkinson, unanimously passed on its first reading.

Mr. E. R. McCarthy discussed salaries of Model Cities staff members.

REDEVELOPMENT COMMISSION - AGREEMENT ON BEHALF OF TO PAY IN EXCESS OF 6 PER CENT INTEREST PROJECT N. C. R-13

7. Consideration of a resolution authorizing the execution of an agreement to pay in excess of 6 per cent interest on behalf of the Redevelopment Commission of the City of Asheville on Project N.C. R-13.

Resolution No. 70-80 was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 500.

ORDINANCE NO. 676 - AN ORDINANCE RESTRICTING PARKING ON THE EAST SIDE OF LOUISIANA AVENUE BETWEEN PATTON AVENUE AND HAYWOOD ROAD

8. Consideration of an ordinance restricting parking on the east side of Louisiana Avenue between Patton Avenue and Haywood Road.

Ordinance No. 676, being "AN ORDINANCE RESTRICTING PARKING ON THE EAST SIDE OF LOUISIANA AVENUE BETWEEN PATTON AVENUE AND HAYWOOD ROAD", was, upon motion of Councilman Keleher, seconded by Councilman Crouch, unanimously passed on its first reading.

HOUSING AUTHORITY - AGREEMENT ON BEHALF OF TO PAY IN EXCESS OF 6 PER CENT INTEREST, PROJECT N.C. 7-12

9. Consideration of a resolution authorizing the execution of an agreement to pay in excess of 6 per cent interest on behalf of the Housing Authority of the City of Asheville on Project N.C.7-12.

Resolution No. 70-81 was, upon motion of Councilman Colton, seconded by Councilman Crouch, unanimously adopted.

and had been advised by Thoms Cablevision that lines were not to be installed in his area. Councilman Crouch requested the Corporation Counsel to investigate whether or not the company is obligated to make this service available.

CLAIM - EARL R. PARTON
CLAIM - BILL PAINTER
CLAIM - CECIL C. JACKSON, JR.

Mr. Cecil Jackson presented a claim for damages for personal injuries in behalf of Earl R. Parton in the amount of $1[illegible], a claim for damages for personal injuries in behalf of Bill Painter in the amount of $[illegible], and a claim in behalf of Cecil C. Jackson, Jr. for $21[illegible] as overcharge for water, and $1.30 for water [illegible]

Miss McCoy

Miss McCoy complained of the policy now in force on city buses that the driver not carry any change.

Mrs. Roy Rogers

Mrs. Roy Rogers complained that holes are not being properly filled in where water meters have been removed.

E. E. McCord

Mr. McCord stated he wished to express appreciation for the removal of the rubbish at Price and Poplar Street.

Mr. McCord discussed the need for a Better Business Bureau and was advised by the Mayor that Mr. Charles Kern is vitally interested in this subject and that Mr. McCord should get in touch with him.

E. R. McCarthy

Mr. E. R. McCarthy discussed delinquent water bills, and requested that the warning that the water would be cut off be delivered by registered mail.

Adjournment

MAYOR

Margaret Ann Moore
CITY CLERK

Resolution No. 70-83 was, upon motion of Councilman Crouch, seconded by Councilman Colton, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 503.

RUBBISH - POPLAR AND BRICK STREETS

Councilman Anderson asked that the minutes of the previous meeting show that he had requested a report from Mr. Johnson as to whether or not the rubbish at Poplar and Brick Streets was removed by the deadline set by the Inspector.

ASHEVILLE MALL

Councilman Anderson asked if anything had been done about the triangular area between the Asheville Mall shopping center and residential property on White Pine Drive. Mr. Johnson advised that he is going to confer with the corporation counsel to see if the city has a legal right to compel Richard Coleman to restore this triangular area to its original condition.

SALVATION ARMY PLAYGROUND - DRAINAGE PROBLEM

Councilman Anderson asked for a report on the pollution problem at the Salvation Army playground, and the City Manager advised that this is a drainage problem similar to the one on South Grove Street, but that efforts are being made to work it out.

CAMP OPERATED BY POLICE DEPARTMENT

Councilman Anderson called attention to the boys camp being operated by the Police Department near the Airport, and invited members of the Council to visit this facility.

BLACK PEOPLE - EMPLOYMENT OF

Councilman Dailey stated that the Civil Service Commission and the City of Asheville are not making possible equal job opportunities for black citizens, and requested that it be emphasized to department heads that they show some progress along this line. He noted the efforts of the Parks and Recreation Department in hiring blacks.

Councilman Dailey noted that no black lawyer had been consulted before the recent appointment by County Commissioners of a substitute judge for Domestic Relations Court and the same had been true when the city recently appointed a substitute Police Court Judge.

Councilman Anderson requested that City Council members be given a report showing the number of blacks now employed by the city.

SPEEDING

Councilman Keleher discussed speeding in the city, and requested that efforts be made to stop this practice.

CABLE TELEVISION

Councilman Crouch stated that he had tried to subscribe to cable television,

ORDINANCE NO. 676 - AN ORDINANCE RESTRICTING PARKING ON THE EAST SIDE OF LOUISIANA AVENUE BETWEEN PATTON AVENUE AND HAYWOOD ROAD

3 Second reading of Ordinance 676 restricting parking on the east side of Louisiana Avenue between Patton Avenue and Haywood Road

Ordinance No. 676 was unanimously passed on its second reading.

ASHEVILLE MALL

4 Report of Building Inspector on recent developments at Asheville Mall.

Mr Johnson reported that after a conference with the Corporation Counsel Mr R. L. Coleman had been sent a letter requesting him to remove uprooted trees, brush and debris from a triangular area between the Asheville Mall and residential property on White Pine Drive, and advising him that this work would be supervised by the office of the Building Inspector

ORDINANCE [illegible] DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 21 PIERCY STREET AND 33 PIERCY STREET

5 Consideration of an ordinance directing the Housing Officer to demolish those houses known as 21 Piercy Street and 33 Piercy Street

Ordinance #677, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 21 PIERCY STREET AND 33 PIERCY STREET", was, upon motion of Councilman Anderson, seconded by Councilman Clayton, unanimously passed on its first reading.

TIMBER CUTTING ON NORTH FORK WATERSHED

The City Manager reported that competitive bids were received when the contract was entered into for the timber operations on the North Fork Watershed; and further that such timbering operations do not deplete the supply of trees, provide valuable roads for fire equipment areas and add about $100,000 a year to the city's revenues. The City Manager read a letter from David Bryant, city forester, concerning a new contract.

Cable Television

In regard to whether or not the cable television company must provide service to all parts of the city the City Manager read excerpts from the franchise ordinance, including Section 20 which provides "The Grantee shall, during the existence of this agreement, furnish reasonable, adequate and efficient community antenna reception service to the residents of the City wherever practicable" * * * and Section 26 which provides "The Grantee shall extend its system as herein provided and offer service wherever practicable to every resident of the City of Asheville served by public utilities of the City of Asheville including the water and sewage facilities, Carolina Power and Light facilities, Southern Bell Telephone and Telegraph facilities and Public Gas Service facilities"

Regular Meeting Thursday, July 23, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin Horton, III, Corporation Counsel James N. Golding, and City Clerk Margaret Simmons.

Absent: None

1. Approval of minutes of meeting of July 16, 1970.

The minutes were approved as submitted.

ORDINANCE NO. 675 - AN ORDINANCE CREATING AND DEFINING THE MODEL CITIES COMMISSION AND CREATING A MODEL CITIES AGENCY WITHIN THE OFFICE OF THE CITY MANAGER

2. Second reading of Ordinance 675 creating and defining the Model Cities Commission and creating a Model Cities Agency within the Office of the City Manager.

Mrs. Nola Knowles, elected Commissioner of Model Cities, spoke against the passage of the Ordinance, and requested a meeting of City Council and the Model Cities Commission in order to discuss the proposed Ordinance.

Other speakers were Lloyd McCord, Mrs. Betty Smith, Mrs. Daisy Glenn, and Mr. Reed. Wayne Jackson read a prepared statement and the following is an excerpt from said statement. "this is a racist move on behalf of the establishment, which will alienate the establishment from the community. We see that the City has used the residents to achieve their racist goals in acquiring federal funds and creating token programs which will not better socio-economic status of the target area residents, and the youth does not trust the establishment to make decisions on their behalf."

Councilman Anderson moved that Section 2.1 be deleted from Ordinance 675 in its entirety, and the following be inserted in lieu thereof:

The Model Cities Commission shall consist of twelve members, six of whom shall be elected from the Model Cities area as hereinafter provided for; the remaining six members of the Commission shall be appointed by the City Council on recommendation of the Mayor: two of such appointees shall represent industry or large employers; two shall represent business; one shall represent education; one shall represent housing; and one shall represent health or the medical profession. All members appointed and elected shall serve for two years from the effective date of this ordinance

which motion was seconded by Councilman Colton and unanimously adopted.

There was a discussion by Council members concerning the meeting with HUD officials, and the letter written to Mr. Metzger of HUD which was read at a Council meeting.

Following the discussion, Ordinance No. 675 was unanimously passed on its second reading.

Regular Meeting Thursday, July 30, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

Absent: None

1. Approval of the minutes of the meeting of July 23, 1970

The minutes were approved as submitted, except Councilman Anderson corrected the minutes to show the amendment to Ordinance 675 should read "one shall represent business" instead of "two shall represent business".

ORDINANCE NO. 675 - AN ORDINANCE CREATING AND DEFINING THE MODEL CITIES COMMISSION AND CREATING A MODEL CITIES AGENCY WITHIN THE OFFICE OF THE CITY MANAGER

2. Third reading of Ordinance 675 creating and defining the Model Cities Commission and creating a Model Cities Agency within the office of the City Manager.

The City Manager read a letter from E. A. Metzger of Hud advising that the new ordinance met requirements and was approved by his office.

Speaking against the ordinance were Mr. Carl Johnson, Miss Shirley Brown, Mrs. Betty Smith and Mrs. Nola Knuckles.

The Mayor stated that the Council felt this was a good ordinance and would provide a good Motel Cities program.

Following the discussion, said Ordinance No. 675 was unanimously passed on its third and final reading.

ORDINANCE NO. 676 - AN ORDINANCE RESTRICTING PARKING ON THE EAST SIDE OF LOUISIANA AVENUE BETWEEN PATTON AVENUE AND HAYWOOD ROAD

3. Third reading of Ordinance 676 restricting parking on the east side of Louisiana Avenue between Patton Avenue and Haywood Road.

Said Ordinance No. 676 was unanimously passed on its third and final reading.

ORDINANCE NO. 677 _ AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 21 PIERCY STREET AND 33 PIERCY STREET

4. Second reading of Ordinance 677 directing the Housing Officer to demolish those houses known as 21 and 33 Piercy Street.

Said Ordinance No. 677 was unanimously passed on its second reading.

Following a discussion Councilman Crouch moved that the City Manager inquire of the cable television company as to whether they have 5,000 subscribers and as to whether or not they intend to provide service in other parts of the city covered by public utilities, and particularly the location of Councilman Crouch's home in the Chunn's Cove section of the city, which motion was seconded by Councilman Colton and unanimously adopted

BLACK PEOPLE _ EMPLOYMENT OF

The City Manager distributed to Council members a report on employment by the City of Asheville showing name, race, classification and salary of city employees, both permanent and seasonal, which report showed the approximate number of white employees to be 761 and the total number of black employees to be 149 as of July 1, 1970.

Adjournment.

W S Montgomery, MD
MAYOR

Margaret Lunsford
CITY CLERK

A letter was read by the City Manager from R. L. Coleman requesting that original site plan of Asheville Mall be amended by taking a triangle of land, excluded from development of Asheville Mall, located at the rear parking lot off the site plan, and further requesting that this triangle be rezoned from Roadside Business to RA-5.

There was a discussion by members of the Council, Councilman Anderson stating that this proposal was in direct conflict with the position of the City Council as recently reaffirmed.

Following the discussion the requests were referred to the Planning and Zoning Commission for study and recommendation.

Mrs. Quinlan then presented a proposal of residents of Kenilworth Forest that a six foot high chainlink fence be erected over a length from Lot 108 through Lot 101, Sheet 21, Ward 8.

This proposal was referred to the Planning and Zoning Commission for study and recommendation.

PENSION BOARD - AUDIT AND CONSULTING SERVICES

9. Consideration of a resolution from the Board of Examiners of the Police and Firemen Pension Fund urging employment of a consultant to audit the Police and Firemen's pension funds and to make recommendations regarding pensions in general.

The City Manager read the resolution and advised that A. M. Pullen Company is under contract to audit the Pension Board funds.

Councilman Colton moved that the Pension Board interview consultants for the retirement system of the city, which motion was seconded by Councilman Dailey and unanimously adopted.

GENNETT LUMBER COMPANY - CONTRACT

10. Consideration of a resolution authorizing the Mayor to enter into a contract with Gennett Lumber Company for the sale of timber at North Fork watershed

The City Manager read a letter from the consulting engineers which stated the engineers saw no technical reasons for deleting the timbering operations.

David Bryant, City Forester, advised the Council how prices were arrived at and described the procedure of the timber operation.

Following a discussion, Resolution No. 70-84 was upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 504.

ZONING ORDINANCE - AMENDMENT REQUESTED (67 Glendale Road - L. A. White)

11. Consideration of a request from Mr. L. A. White to rezone property at

BIDS - AIR CONDITIONING OF COUNCIL CHAMBER

The City Manager advised that after due advertisement bids had been received for air conditioning the Council Chamber as follows:

Rogers Plumbing & Heating Co.	Moore Refrigeration Company	Stroup Sheet Metal Works
$3,973.00	$5,216.00	$4,281.00

and recommended that the bid be awarded to Rogers Plumbing and Heating Co.

Councilman Crouch moved that the bid be so awarded, which motion was seconded by Councilman Atkinson and unanimously adopted.

BIDS - 4 WHEEL STREET SWEEPER

The City Manager advised that after due advertisement bids had been received for a 4 wheel street sweeper as follows:

E. F. Craven Co.	Interstate Equipment Co.
$15,733.12	$14, 232.00

and recommended that the bid be awarded to Interstate Equipment Co.

Councilman Anderson moved that the bid be so awarded, which motion was seconded by Councilman Dailey and unanimously adopted.

BIDS - SURPLUS VEHICLES (including buses formerly used by Asheville Transit Authority)

The City Manager advised that after due advertisement bids had been received for sale of surplus vehicles (including buses formerly used by the Asheville Transit Authority)

The City Manager read a letter from T. E. Combs advising the Asheville Transit Authority had agreed to accept the high bid with the exception of the Chevrolet pick-up truck which was rejected, the high bid being $3,187.50, less amount due Firestone Tire and Rubber Company of $2,371.88, leaving a balance of $815.62 to the Transit Authority.

Councilman Colton moved that the high bid with the exception of the Chevrolet pick-up truck be accepted, which motion was seconded by Councilman Keleher and unanimously adopted.

ASHEVILLE MALL - PROPOSAL OF R. L. COLEMAN

8. Consideration of an amendment to the site plan of the Asheville Mall development proposed by Mr. R. L. Coleman.

Transcript

Councilman Colton discussed the matter stating the Council was making very serious charges with very few facts to substantiate them, and if there were any irregularities in Housing Authority operations they should be brought to light, and Commissioners should not be discouraged from asking questions.

MRS. ROY ROGERS

Mrs. Roy Rogers spoke concerning the Model Cities program and high water bills.

PARKING - SPOOKS BRANCH ROAD

Mr. Harlan F. Haynes advised that no parking signs had been erected along a 300 yard stretch of Spooks Branch Road, and requested the removal of these signs.

The City Manager was requested to investigate this complaint.

Adjournment

/s/ [illegible]
MAYOR

[illegible]
CITY CLERK

67 Glendale Avenue from Residential to Industrial.

This request was referred to the Planning and Zoning Commission for study and recommendation with the request that it be handled as rapidly as possible.

CUMBERLAND CIRCLE - DESIGNATED AS ONE-WAY

12. Reading of a letter from the City Manager designating that Cumberland Circle be used as a one way street from Cauble Avenue to Cumberland Avenue.

The City Manager advised that upon recommendation of the Traffic Engineer he was designating Cumberland Circle as a one-way street beginning at the intersection of Cauble Avenue and Cumberland Circle and extending to Cumberland Avenue.

SIGN PERMIT REQUESTED BY ASTON PARK HOSPITAL

13. Consideration of a petition for construction of two 8 x 12 signs on the proposed site of the Aston Park Hospital at Rhododendron Park.

The City Manager read a letter from the Planning Director recommending that permit be denied. The City Manager suggested that the zoning ordinance could be amended with regard to signs in residential zones.

Mr. Pearson and Mr. Coulby spoke concerning said sign.

Mr. Kmecza, Planning Director, suggested that Mr. Pearson present a request for the rezoning of this property to Institutional area, which Mr. Pearson agreed to do.

NOISE BY CARS AND MOTORCYCLES

Councilman Keleher requested that efforts be made to control the noise of motorcycles and automobiles, especially during the nighttime hours.

CIVIL SERVICE - COMPLAINTS OF EMPLOYEES

Councilman Keleher advised that she had attended the meeting of the Civil Service Board recently held and suggested that Civil Service regulations be changed so as to permit city employees to take grievances directly to the Commission rather than being compelled to put their complaints in writing and submitting them to their immediate superiors.

The City Manager was requested to confer with Councilman Keleher concerning this.

HOUSING AUTHORITY - REQUEST OF TENANT COUNCIL

Mrs. Betty Smith, representing the Tenant Council, read a statement in which the Tenant Council charged that the appointment of P. F. DeSaix was a grave injustice and an intended insult to the citizens living in public housing in Asheville, and further that the tenants are dissatisfied with the appointment of Robert V. Mathison. The statement suggested that tenants or former tenants should have been appointed to fill the vacancies on the Asheville Housing Authority. The statement requested the removal of P. F. DeSaix and Robert V. Mathison from the Housing Authority.

CABLE TELEVISION - PROGRESS REPORT

4. Presentation by Thoms Cablevision of a progress report on cable television.

Mr. Harold Thoms gave a progress report on cable television, advising that by February 11, 1969 the company had completed 68.19 miles of the system with facilities available to 7,816 dwelling units, which was 50% more than required under the franchise; that since February 11th an additional 25.7 miles of cable has been constructed, making a total of 95.18 miles, and making cable television available to 9,241 dwelling units. Mr. Thoms estimated that the company can maintain the present mileage and provide Chunn's Cove, West Asheville, a portion of Lake View Park, and White Pine with available facilities within twelve months.

SHELBURNE ROAD - SIDEWALK CANCELLED IN PART

Councilman Anderson discussed the sidewalk on Shelburne Road as previously decided upon by City Council, advising that the concrete part of the sidewalk had been constructed, and because of the possibility of lawsuits stemming from driveway washouts and damage to trees and yard fences Councilman Anderson moved that the asphalt portion of the sidewalk from Brevard Road to Karen Drive not be built, which motion was seconded by Councilman Keleher and unanimously adopted.

DOGS - DISCUSSION

Councilman Atkinson advised that he had received many complaints about barking dogs and asked if anything could be done to relieve this problem.

The Corporation Counsel suggested calling the owners of the dogs, and then calling the dog warden, but advised that complainants may have to sign a warrant to get action.

WATER BILL - ADJUSTMENT

Councilman Atkinson asked if any adjustment was made in case a high water bill was caused by a leaky commode.

Mr. Tipton, Superintendent of Services and Billing of the Water Department, explained that adjustments are made provided it is proved that the leak caused the high water bill, and that the leak has been repaired.

PETITION - EVERGREEN AVENUE - WATER MAIN

Councilman Atkinson presented a petition signed by a number of residents on Evergreen Avenue requesting that a larger water main be installed on this street, and this petition was referred to Mr. R. R. Buirgy, Director of Water Department Engineering.

MISS McCOY

Miss Fannie McCoy discussed metropolitan government and high water bills.

Regular Meeting Thursday, August 6, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

Absent: None

1. Approval of the minutes of the meeting of July 30, 1970.

The minutes were approved as submitted.

ORDINANCE NO. 677 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 21 PIERCY STREET AND 33 PIERCY STREET

2. Third reading of Ordinance 677 directing the Housing Officer to demolish those houses known as 21 Piercy Street and 33 Piercy Street.

Said Ordinance #677 was unanimously passed on its third and final reading.

AIRPORT PARKING POLICIES - DISCUSSION

3. Discussion of parking policies at the Asheville Airport.

The City Manager read a letter from B. Paul Goodman regarding a parking incident at the Asheville Airport, complaining about unequal enforcement of parking regulations, and suggesting that the Council take some action on marking restricted parking spaces as to how they are to be used and what time limit is imposed on their use, that time limits on passenger pick-up and discharge spaces be shown, and that rental agencies not be given the front and very best parking spaces.

The City Manager also read a memorandum from Gary Taylor, Director of Aviation, explaining parking procedures and regulations at the Airport.

The City Manager advised that a lease offer has been made by a private company with regard to the operation of the parking lot at the airport.

The Mayor stated that there are anticipated changes in parking at the Airport, and he is sure Mr. Taylor is working on these problems, suggesting that the City Manager write Mr. Goodman that steps are being taken to improve the airport parking situation.

Councilman Colton discussed parking in general, stating that the laws are not being strictly enforced in the downtown areas, and suggesting that the police see that parking regulations are equally enforced.

Councilman Anderson stated the median strip at the Airport be removed as soon as possible, and reminded the Council that nothing had been done about its decision of a year ago to consider an ordinance eliminating the free first half hour of parking.

The Corporation Counsel advised it was his understanding that Council had intended to tie in any changes in parking regulations with the possible leasing of airport parking facilities to a private operator, but that he would be glad to have the ordinance prepared for the next meeting of the Council.

Regular Meeting Thursday, August 13, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilman Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben J. Dailey, City Manager Phin. Horton, III, Corpor ation Counsel J. N. Golding, and City Clerk Margaret Simmons.

Absent: Councilman Luke Atkinson

A minute of silence was observed by the Council in memory of Mrs. Gladys Seitz, wife of Citizen Staff Writer Edwin L. Seitz.

1. Approval of the minutes of the meeting of August 6, 1970.

The minutes were approved as submitted.

RANKIN AVENUE - PORTION OF CLOSED AS PUBLIC STREET

2. Public hearing on the closing of a portion of Rankin Avenue north of Hiawassee Street.

The Mayor opened the public hearing at 3:02, and the City Manager presented the affidavit of publication of notice of said public hearing. The public hearing was closed at 3:05.

Resolution No. 70-85, entitled "RESOLUTION AUTHORIZING ABANDONMENT AND CLOSING AND DISCLAIMING ANY PUBLIC INTEREST IN THAT PORTION OF RANKIN AVENUE COMMENCING AT THE NORTHEAST CORNER OF THE SIDEWALK ON THE NORTH SIDE OF HIAWASSEE STREET AT ITS INTERSECTION WITH RANKIN AVENUE, NORTHWARD BETWEEN THE PROPERTIES OF WINSTON, INC., MARTIN H. WINSTON AND WIFE, SYDELL WINSTON TO THE RIGHT OF WAY LINE OF THE NORTH CAROLINA STATE HIGHWAY COMMISSION", was, upon motion of Councilman Dailey, seconded by Councilman Anderson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 505.

ASHEVILLE AIRPORT - PARKING FEES

3. Consideration of an ordinance establishing rates for parking at the Asheville Airport.

Councilman Anderson introduced an ordinance establishing parking fees at the Asheville Airport. There was no second to the ordinance, and it therefore failed.

ORDINANCE NO. 678 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSE KNOWN AS 44 HOLLAND STREET

4. Consideration of an ordinance directing the Housing Officer to demolish the dwelling house known as 44 Holland Street.

Ordinance No. 678, being "AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSE KNOWN AS 44 HOLLAND STREET", was, upon motion of Councilman Colton, seconded by Councilman Keleher, unanimously passed on its first reading.

E. R. McCARTHY - COMPLAINT
RE NOISE AND AIR POLLUTION

Mr. E. R. McCarthy complained about noise and sound pollution caused by trucks and by operations at the new Asheville Speedway on Amboy Road, and requested that something be done to abate this alleged nuisance.

Adjournment.

MAYOR

CITY CLERK

same day as the annexation hearing for the zoning of this property should it be annexed.

Councilman Colton so moved, which motion was seconded by Councilman Anderson and unanimously adopted.

ZONING ORDINANCE AMENDMENT - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lot 134½, Sheet 16, Ward 7 - L. A. White)

9. Reading of a letter from the Director of Planning recommending that the request of Mr. L. A. White to rezone Lot 134½, Sheet 16, Ward 7 (Glendale Avenue) from RA-6 Residential District to Industrial District be denied.

The City Manager read the letter from the Planning and Zoning Commission and the reasons for denying said request, and advised that Mr. White could ask for a public hearing if he so desired.

Mr. White spoke in favor of said rezoning, and asked for a public hearing.

Councilman Crouch moved that a public hearing be advertised at petitioner's expense, which motion was seconded by Councilman Keleher and unanimously adopted.

There was a discussion by Council concerning the zoning in this entire area, and Councilman Colton moved that the Planning and Zoning Commission be requested to make a study and recommendation as to the use of land between the Southern Railway and Glendale Avenue and northeast to the Swannanoa River (the Koon Development area), which motion was seconded by Councilman Crouch and unanimously adopted.

ZONING ORDINANCE - AMENDMENT - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lot 1, Sheet 15, Ward 5 and Lot 5, Sheet 14, Ward 5 (old Rhododendron Park site off Brevard Road)

10. Reading of a letter from the Director of Planning recommending the rezoning of Lot 1, Sheet 15, Ward 5, and Lot 5, Sheet 14, Ward 5 (old Rhododendron Park site off Brevard Road) from RA-6 Residential District to Institutional District.

The City Manager read the letter from the Planning and Zoning Commission, and suggested that a public hearing be held, advertisement to be paid for by the petitioner.

Councilman Anderson moved that a public hearing be held after due advertisement paid-for-by-petitioner; which motion was seconded by Councilman Crouch and unanimously adopted.

ASHEVILLE AIRPORT - RADAR

The City Manager read a letter from Charles W. Carmody, Director, Facility Installation Service, to Representative Roy A. Taylor advising that the Federal Aviation Administration is developing a revised plan to expedite located radars at qualifying locations such as Asheville Airport and that a realistic date for installing the system can be forecast in sixty days.

PLANNING AND ZONING COMMISSION - REQUESTED TO STUDY ZONING DISTRICTS IN THE ST. JOSEPH'S - MEMORIAL MISSION HOSPITAL AREA

5. Consideration of a resolution requesting the Asheville Planning and Zoning Commission to study zoning districts in the St. Joseph's-Memorial Mission Hospital area.

Following a discussion by the Council, Resolution No. 70-86, being "RESOLUTION REQUESTING THE ASHEVILLE PLANNING AND ZONING COMMISSION TO STUDY ZONING DISTRICTS IN THE ST. JOSEPH'S _ MEMORIAL MISSION HOSPITAL AREA", was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 506.

STEVENS HILL SUBDIVISION - PLAT APPROVED

6. Reading of a letter from the Director of Planning recommending final approval of the plat for the Stevens Hill Subdivision located south of US 70 and east of Pleasant Ridge Drive.

The City Manager read the letter of recommendation from the Planning and Zoning Commission.

Councilman Crouch moved that the plat as submitted be approved, which motion was seconded by Councilman Keleher and unanimously adopted.

CORPORATE LIMITS EXTENSION - RECOMMENDATION OF METROPOLITAN PLANNING BOARD (Lot 6, Sheet 30, Hazel Ward - C. P. Grimes)

7. Reading of a letter from the Director of Planning recommending the annexation of Lot 6, Sheet 30, Hazel Ward owned by Mr. C. P. Grimes for use as a residential development.

The City Manager read the letter of recommendation, and recommended that a public hearing on the request be advertised, giving him an opportunity to make a study to determine the cost to provide services to said property before making a recommendation in regard to said annexation. The City Manager advised it will be necessary for Mr. Grimes to provide a metes and bounds description of the property for said advertisement, and that the cost of the advertisement will have to be paid for by Mr. Grimes.

Councilman Dailey moved that a public hearing be advertised at the petitioner's expense, which motion was seconded by Councilman Anderson and unanimously adopted.

ZONING ORDINANCE AMENDMENT - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lot 6, Sheet 30, Hazel Ward - C. P. Grimes

8. Reading of a letter from the Director of Planning recommending the zoning to RA-6 Residential District of Lot 6, Sheet 30, Hazel Ward (off Leicester Highway)

The City Manager read the letter from the Planning and Zoning Commission, and suggested the authorizing of a public hearing at petitioner's expense to be held on the

MRS. ROY ROGERS

Mrs. Roy Rogers called attention to a hole in South Grove Street.

ASHEVILLE BOTANICAL GARDEN -
SEWERAGE PROBLEM

Mrs. E. L. Denmon spoke concerning a sewerage problem in the Asheville Botanical Garden, and asked that steps be taken to remedy this situation.

The City Manager advised that this problem existed in an area that is low-lying and subject to flooding.

Councilman Anderson moved that the Council adjourn until 3:00 o'clock on Wednesday, September 19th, which motion was seconded by Councilman Colton and unanimously adopted.

MAYOR

CITY CLERK

AUDITORIUM - CRAFTSMAN'S FAIR

Councilman Colton reported that the Chamber of Commerce has been very active in bringing the Craftsman's Fair to Asheville, and read a letter from the Southern Highland Crafts advising that the Craftsman's fair this year had been highly successful and broke all attendance records. Mr. Colton commended Mr. Wilson and his staff for their work in handling this Fair.

COMPLAINTS

Councilman Dailey reported that Mrs. Randall at 3 Ocala Street had been unable to get any service on repairing of a sewer line, and requested that something be done about this.

Councilman Dailey further reported that the resident at the corner of Cherry and Cumberland had been unable to get his trash picked up, and requested that action be taken on this.

Councilman Dailey asked that water line going up Wyatt Street be extended on out Brooklyn Road.

Councilman Dailey inquired why no black person took the examination for Assistant Chief of Police.

NEAL HANKS - COMMENDATION

On behalf of the Council, Councilman Crouch commended Mr. Neal Hanks, who has announced his resignation, for his service to the city as planning administrator.

CLAIM - EDNA LEE

Edna Lee presented a claim for damages in the amount of $5,058.60 for injuries received on account of an alleged fall on the sidewalk on Broadway south of Chestnut.

MISS McCOY

Miss McCoy spoke against what she termed metropolitan government

CIVIC REDEVELOPMENT PROJECT
N.C. R-13 - PUBLIC HEARING

Mr. Neal Hanks requested that a public hearing be set for September 3rd to hear proposal for amendment to Civic Redevelopment Project N. C. R-13, and the Council set said date for the public hearing.

SHELBURNE ROAD - SIDEWALK

Mrs. Norman Anderson asked the Council to reconsider the paving of a sidewalk on Shelburne Road from Brevard Road to Karen Drive.

There was a discussion by the Council, following which the Director of Public Works was requested to make a recommendation as to the most feasible side to put a sidewalk if it should be paved.

Mr. Cecil Bradford advised that a concrete sidewalk had been installed in front of his property against his wishes, and was advised that this was done on petition of a majority of the property owners.

The City Manager advised that after due advertisement bids had been received as follows:

Winter Uniforms for Police Department	The Hub Uniform Co. $14,071.57	Asheville Army Store $12,709.06	Charles R. Stinnette Co., Inc. $13,593.68
Winter Uniforms for Fire Department	$3,697.25	$3,244.86	$3,306.42
Total Amount	$17,768.82	$15,953.92	$16,900.10

and recommended that the award be made to the low bidder, Asheville Army Store.

Councilman Dailey so moved, which motion was seconded by Councilman Keleher and unanimously adopted.

BIDS - LEAF LOADERS
FOR SANITARY DEPARTMENT

6. Consideration of bids received August 14th for two vacuum leaf loaders for the Sanitary Department.

The City Manager advised that after due advertisement bids had been received as follows:

Front End Leaf Loader	A. E. Finley Associates		Western Carolina Tractor Co. $2,299.00
Trailer Mounted Leaf Loader	E. F. Craven Co. $4,161.20	A. E. Finley Associates $2,863.40	Western Carolina Tractor Co. $2,944.99
	Interstate Equipment C . $3,588.26		

and recommended that the award be made to the low bidders, A. E. Finley Associates for the trailer mounted leaf loader and Western Carolina Tractor Co. for the front end leaf loader.

Councilman Keleher so moved, which motion was seconded by Councilman Atkinson and unanimously adopted.

Adjournment

VICE-MAYOR CITY CLERK

Regular Meeting Wednesday, August 19, 1970 - 3:00 o'clock P. M.

Present: Vice-Mayor Webster Anderson presiding; Councilmen Henry E. Colton, Mrs. Barbara C. Keleher, Ruben J. Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. M. Golding, and City Clerk Margaret Simmons.

Absent: Mayor Wayne S. Montgomery and Councilman Robert P. Crouch.

1. Approval of the minutes of the meeting of August 13, 1970.

The minutes were approved as submitted.

ORDINANCE NO. 678 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSE KNOWN AS 44 HOLLAND STREET

2. Second reading of Ordinance #678, an ordinance directing the Housing Officer to demolish the dwelling house known as 44 Holland Street.

Said Ordinance No. 678 was unanimously passed on its second reading.

PROPOSED ORDINANCE AMENDING ORDINANCE #322 RELATING TO SIGNS

3. Consideration of authorizing a public hearing on an ordinance amending Ordinance #322, commonly known as the Zoning Ordinance, to permit erection of a project sign for identification during construction in all zoned areas (Permit to be issued by Chief Inspector).

The City Manager presented a letter from the Building Inspector recommending the passage of such an ordinance and a proposed ordinance.

Said letter and proposed ordinance were referred to the Planning and Zoning Commission for study and recommendation.

MODEL CITIES - RESOLUTION APPROVING AMENDED INTERIM BUDGET AND AUTHORIZING THE MAYOR TO REQUEST A LETTER TO PROCEED FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

4. Consideration of a resolution approving a revised program budget for the Model Cities Commission and authorizing the Mayor of the City of Asheville to request a Letter to Proceed from the Department of Housing and Urban Development.

Resolution No. 70-87 was, upon motion of Councilman Henry E. Colton, seconded by Councilman Ruben J. Dailey, and following a discussion, unanimously adopted.

Complete text of resolution will be found in Resolution Book #5 at page 507.

BIDS - UNIFORMS FOR POLICE AND FIRE DEPARTMENTS

5. Consideration of bids received August 14th for uniforms for the Police and Fire Departments.

for the above equipment, and read a letter from Mr. James Parris, Superintendent of Motor Transport, in regard thereto, and recommended that said bids be rejected because two bids did not meet specifications and the only bid on an acceptable body type was nearly $5,000 higher than the low bid.

Councilman Crouch moved that said bids be rejected, which motion was seconded by Councilman Keleher and unanimously adopted.

BIDS - 2 TILT CAB AND CHASSIS TRUCKS FOR SANITARY DEPARTMENT

5. Consideration of bids received August 24th for 2 tilt cab and chassis trucks for the City of Asheville Sanitary Department.

The City Manager advised that after due advertisement bids had been received for the above equipment, and recommended acceptance of the low bid of $24,261 of Asheville International Truck Sales.

Matthews Motors Inc.	Carolina Truck & Body Co.	Asheville International Truck Sales
$24,590.00	$27,210.12	$24,261.06

Councilman Dailey moved that the bid be awarded to Asheville International Truck Sales, which motion was seconded by Councilman Colton and unanimously adopted.

HOUSING AUTHORITY - AGREEMENT ON BEHALF OF TO PAY IN EXCESS OF 6 PER CENT INTEREST, PROJECT N.C. 7-10

6. Consideration of a resolution authorizing the Mayor to enter into an agreement with the Asheville Housing Authority to pay interest in excess of 6% on debt incurred by the Asheville Housing Authority on Housing Project N. C. 7-10.

Resolution No. 70-90 was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 510.

CIVIC CENTER - DISCUSSION

Councilman Crouch stated he was very pleased with the court decision in the Civic Center case brought by George Coggins, and hoped that Mr. Coggins would not appeal the decision. Councilman Crouch also stated that this would avoid costly further delay in construction of the Civic Center and would allow both public and private segments in the city to get together again and move toward an accelerating Asheville area.

Councilman Atkinson said he thought Coggins had been perfectly entitled legally to his decision and called on the City Council collectively and individually not to threaten or use threatening remarks toward Mr. Coggins, stating that Mr. Coggins may be wrong but as long as he is within his legal rights he should not be openly criticized or condemned. Mr. Atkinson also hoped that Mr. Coggins would not appeal the case, and that the Civic Center can get started.

Regular Meeting Thursday, August 27, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

Absent: None.

1. Approval of the minutes of the meeting of August 19, 1970.

The minutes were approved as submitted.

SUPERIOR PERFORMANCE AWARD - R. L. SMITH

Resolution conferring Superior Performance Award to R. L. Smith for his outstanding term of service with the Asheville Fire Department was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 508.

The City Manager announced the appointment, effective September 1, 1970, of Deputy Chief Powell Ball as Chief of the Fire Department.

ORDINANCE NO. 678 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE DWELLING HOUSE KNOWN AS 44 HOLLAND STREET

2. Third reading of Ordinance No. 678, an ordinance directing the Housing officer to demolish the dwelling house known as 44 Holland Street.

Said Ordinance No. 678 was unanimously passed on its third and final reading.

DEPARTMENT OF TRANSPORTATION (FEDERAL AVIATION ADMINISTRATION) - CONTRACT WITH

3. Consideration of a resolution authorizing the Mayor to enter into a contract with the Department of Transportation (Federal Aviation Administration) concerning the leasing of space at the Asheville Airport.

Resolution No. 70-89, being RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE LEASE ON BEHALF OF THE CITY OF ASHEVILLE WITH THEUNITED STATES OF AMERICA RELATING TO SPACE AND SERVICES AT THE ASHEVILLE AIRPORT, was, upon motion of Councilman Colton, seconded by Councilman Keleher, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 509.

BIDS - hydraulic packer type bodies for Sanitary Department

4. Consideration of bids received August 24th for 2 enclosed hydraulic packer type bodies for the City of Asheville Sanitary Department.

The City Manager advised that after due advertisement bids had been received

Regular Meeting Thursday, September 3, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben J. Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

Absent: None

1. Approval of the minutes of the meeting of August 27, 1970.

The minutes were approved as submitted.

PROJECT NO. N. C. R-13 - RESOLUTION APPROVING URBAN REDEVELOPMENT PLAN, AMENDMENT NO. 5

2. Public hearing to review Redevelopment Project N. C. R-13.

The Mayor opened the public hearing at 3:11.

Mr. Neal Hanks, Executive Director of the Asheville Redevelopment Commission, explained a resolution entitled "RESOLUTION OF THE CITY COUNCIL OF ASHEVILLE, NORTH CAROLINA APPROVING THE URBAN REDEVELOPMENT PLAN, AMENDMENT NO. 5 AND THE FEASIBILITY OF RELOCATION FOR PROJECT NO. N. C. R 13.

The public hearing was closed by the Mayor at 3:26.

Resolution No. 70-91 was, upon motion of Councilman Anderson, seconded by Councilman Dailey, adopted with Councilman Crouch abstaining from voting.

Complete text of resolution will be found in Resolution Book 5 at pages 511, 512 and 513.

ORDINANCE NO. 679 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, AS AMENDED

3. Public hearing on the rezoning of Lot 134-1/4, Sheet 16, Ward 7 (Glendale Avenue from RA-6 Residential District to Industrial District.

The Mayor opened the public hearing at 3:33, and the City Manager read the affidavit of publication and the recommendation of the Planning and Zoning Commission.

Mr. Kmecza advised that a public hearing would be held on this entire area by the Planning and Zoning Commission.

Mr. White spoke in favor of the rezoning.

The Mayor closed the public hearing at 3:47.

Ordinance No. 679, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE AS AMENDED", was, upon motion of Councilman Dailey, seconded by Councilman Keleher, passed on its first reading by a vote of 4 to 3, with Councilmen Colton, Crouch and Anderson voting no and Councilmen Keleher, Dailey, Atkinson, and Mayor Montgomery voting aye.

NOISE CAUSED BY TRUCKS

Councilman Keleher complained about the noise pollution of trucks on major streets, especially near Aston Park Hospital, calling for a campaign to compel trucks to stay on truck routes through the city.

COMPLAINTS

Councilman Atkinson said he had received a complaint regarding bus fares being charged students who attend private schools, and was advised that the fare is the same for all students whether in public or private schools.

Councilman Atkinson requested that no parking signs be put up on Blue Ridge Avenue to facilitate traffic in and out of St. Joan of Arc School, and this matter was referred to the Traffic Engineer.

Councilman Atkinson asked if there was any city policy in regard to the use of sprinklers, and the City Manager advised that flushers are not used for routine cleaning, but are used where there is a problem of dirt removal caused by rain.

WATER BILL

Mr. L. H. McCord complained about a high water bill sent to George Cole, 4 Grove Place, and this matter was referred to Mr. Tipton, Director of Water Department Billing and Services.

STREET PAVING REQUESTED

Mr. Houston Henson, Route 4, Asheville, discussed a road that the State is paving off of Sweeten Creek Road, and asked that about 1000 feet of road connecting Oak View Road and New Roberts be paved by the City.

The City Manager asked that the City Engineer verify the right of way status on said stretch of road.

RACE TRACK, AMBOY ROAD

Mr. E. R. McCarthy spoke concerning the race track on Amboy Road, and about noise caused by trucks on truck routes. He stated that the race track appears to be built on top of Almay Road; that he had discussed this matter with the City Engineer's office and was advised that if there was a dedicated road everybody in the subdivision would have had to agree to closing this road.

Councilman Keleher stated Mr. McCarthy had called her concerning the race track and she had advised him to get a petition signed by those objecting to the race track, so the Council could know more about it.

The Corporation Counsel advised that he had looked into this matter a few months ago, and if there is any injury it is to private rights as contrasted with public rights; and that if this is a nuisance, it is an invasion of private rights rather than public rights, and the recourse is for citizens in the area to bring an action asking the court to restrain the nuisance.

Adjournment.

MAYOR

CITY CLERK

SIGN - TOP VALUE STAMP - PERMIT DENIED

7. Reading of a letter from the Planning and Zoning Commission recommending that the application requesting a Top Value Stamp sign proposed to be erected along with the principal use sign (ESSO) on Charlotte Street be denied.

Councilman Keleher moved that the permit to erect a Top Value Stamp sign be denied, which motion was seconded by Councilman Dailey and unanimously adopted.

DEED AND EASEMENT - WINSTON, INCORPORATED

8. Consideration of a resolution authorizing the Mayor to execute deed and easement in favor of Winston, Incorporated.

Resolution No. 70-92, being "RESOLUTION AUTHORIZING THE EXECUTION OF A DEED IN FAVOR OF WINSTON, INC., A CORPORATION", was, upon motion of Councilman Colton, seconded by CouncilmanCrouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 514.

RIGHT OF WAY EASEMENT TO CAROLINA POWER & LIGHT COMPANY

9. Consideration of a resolution authorizing the Mayor to execute right of way easement in favor of the Carolina Power & Light Company.

Resolution No. 70-93, being "RESOLUTION AUTHORIZING THE EXECUTION OF A RIGHT OF WAY EASEMENT IN FAVOR OF THE CAROLINA POWER & LIGHT COMPANY", was, upon motion of Councilman Anderson, seconded by Councilman Atkinson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 515.

BOARD OF DIRECTORS OF BUNCOMBE COUNTY PLANNING COUNCIL - APPOINTMENT OF MEMBERS (Mrs. Fred F. Grace, Rev. Robert Boggan, Bill Dale and Clyde C[illegible]ler)

10. Consideration of a resolution appointing members to the Board of Directors of the Buncombe County Planning Council.

Resolution No. 70-94, being "RESOLUTION APPOINTING MEMBERS TO THE BOARD OF DIRECTORS OF THE BUNCOMBE COUNTY PLANNING COUNCIL", was, upon motion of Councilman Anderson, seconded by Councilman Keleher, unanimously adopted.

Complete copy of resolution will be foundin Resolution Book 5 at page 516

MODEL CITIES - FRINGE BENEFITS, ANNUAL LEAVE, SICK LEAVE AND ADMINISTRATIVE POLICIES - ESTABLISHED

11. Consideration of a resolution establishing fringe benefits, annual leave, sick leave and administrative policies for Model Cities staff.

ORDINANCE NO. 680 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

4. Public hearing on the rezoning of Lot 1, Sheet 15, Ward 5, and Lot 5, Sheet 14, Ward 5 (old Rhododendron site off Brevard Road) from RA-6 Residential District to Institutional District.

The Mayor opened the public hearing at 3:53 and the City Manager presented the affidavit of publication and the recommendation of the Planning and Zoning Commission.

The Mayor closed the public hearing at 3:55.

Ordinance No. 680, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE , AS AMENDED", was, upon motion of Councilman Atkinson, seconded by Councilman Dailey, unanimously passed on its first reading.

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS BE DISPENSED WITH - DEFEATED

Councilman Colton moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Atkinson, but upon a vote being taken the motion was defeated with Councilmen Dailey, Crouch and Anderson voting . against the motion, and Councilmen Keleher, Colton, Atkinson and Mayor Montgomery voting in favor of the motion.

ZONING ORDINANCE - AMENDMENT REQUESTED (Lot 481 1/4, 482 1/4, Sheet 26, Ward 7 - Charles W. Morgan)

5. Consideration of a petiton submitted by Charles W. Morgan requesting that Lots 481 1/4 and 482 1/4, Sheet 26, Ward 7, 764 Fairview Road, be rezoned from RA-6 to Neighborhood Trading Area.

This request was referred to the Planning and Zoning Commission for study and recommendation.

ASHEVILLE MALL - STATUS REMAIN UNCHANGED

6. Reading of a letter from the Planning and Zoning Commission recommending that R. L. Coleman's request that the Group Development Plan of the Asheville Mall be amended by removing a small triangular area and developing it for residential purposes by rezoning it from Roadside Business to RA-6 Residential District be denied.

The City Manager read the letter from the Planning and Zoning Commission and letters from Mr. Coleman, and advised that if the Council takes no action the site plan and the zoning would remain unchanged.

No action was taken by the Council.

14 HUNT HILL PLACE -
CLEAN-UP REQUESTED

Mrs. Vernella Hardy asked city cooperation in cleaning up an area near 14 Hunt Hill Place.

FLOWERS - CITY GARAGE

Councilman Colton called attention to the flowers in an area near the City Garage, and asked that those responsible be thanked.

FOOTBALL GAME

Mayor Montgomery called attention to the Asheville High School's football game with North Buncombe at Memorial Stadium on Friday, and asked support for the team.

ZOO

Councilman Keleher requested that the Recreation Advisory Board make a report to the City Council of conditions at the Zoo.

Adjournment

MAYOR

CITY CLERK

Resolution No. 70-95, being "RESOLUTION ESTABLISHING FRINGE BENEFITS, ANNUAL LEAVE, SICK LEAVE AND ADMINISTRATIVE POLICIES FOR MODEL CITIES STAFF", was, upon motion of Councilman Dailey, seconded by Councilman Anderson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 517.

Miss Fannie McCoy spoke against model cities, urban renewal and metropolitan government.

MRS. LAWRENCE C. STOKER - RESOLUTION OF APPRECIATION

12. Consideration of a resolution expressing appreciation for service of Mrs. Lawrence C. Stoker on Library Board.

Resolution No. 70-96, being "RESOLUTION EXPRESSING APPRECIATION FOR SERVICE", was, upon motion of Councilman Dailey, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 518.

LAND OF THE SKY FESTIVAL

Attention was called to the Alamanders' Land of the Sky Festival to be held September 11th and 12th, and members of the City Council were invited to join the Alamanders' Club.

MODEL CITIES - DISCUSSION

Councilman Anderson reported on a meeting attended by himself, Mrs. Keleher, Mr. Horton and Mr. Troup with HUD officials in Atlanta, advising that the HUD reviewers were very pleased with the city's first action year program and that no project in the city's program was disapproved outright although a "stop order" was placed by HUD on one project pending other developments.

CIVIC REDEVELOPMENT AREA - BEAUTIFICATION

Councilman Keleher suggested that a comprehensive beautification and landscaping program be worked out among the owners of all the buildings in and near the Civic Redevelopment project between City-County Plaza and the Crosstown Expressway.

The City Clerk was requested to report this suggestion to the Redevelopment Commission.

MODEL CITIES - DISCUSSION

Mrs. Louise Conley discussed what she termed lack of citizen participation in the Model Cities program. Another speaker on this subject was Mrs. Charlotte McKinley.

Mrs. Nola Knuckles and L. H. McCord, Model Cities Commissioners advised that there was citizen participation in the Model Cities programs.

tions were made, including raising the industrial water rates, and read said recommendations. The City Manager further advised that on February 25, 1958 Mr. Weldon Weir, the former City Manager, addressed a letter to Mr. E. M. Burnett, Chief Engineer of Gerber Products Company, guaranteeing water rate of $675.19 for all water used up to the first 3,000,000 gallons, and for all water used over 3,000,000 gallons a rate of 5¢ per thousand gallons for a period of twenty-five years, and that in 1966 when the city revised rates for industrial users the rate to Gerber was modified to the rate of $936.35 up to 3,000,000 gallons and 4½¢ per thousand gallons for all water used over 3,000,000 gallons. The City Manager stated that in view of the Hazen & Sawyer recommendations the Council is faced with a policy decision.

Mr. Joe Hunter on behalf of the Greater Asheville Council presented a resolution passed by the Greater Asheville Council urging the City Council to continue its adherence to the aforementioned commitment to the Gerber Products Company, as modified, until its expiration date as expressed in the letter.

Other speakers in this behalf were Frank Coxe, Harry Clark and T. A. Uzzell.

Councilman Anderson moved that the ordinances or resolutions passed concerning the special Gerber water rates be rescinded in proper legal form, and that the Council return to the original agreement by Mr. Weir made with Gerber Products Company on February 25, 1958; that the water rate for the first 3,000,000 gallons per month be returned to $675.19, and that everything in excess of 3,000,000 gallons per month be charged at the rate of 5¢ per thousand gallons, these rates to remain in effect for a minimum of twenty-five years from February 25, 1958. And further moved that the rate of 5¢ per thousand gallons apply to the maximum water requirements set out in the attachment to the letter of February 25, 1958 by the Gerber Company, and that quantities above that maximum water requirement be charged at a rate which the Council may adopt for all industrial users. Further, it is assumed that the ultimate figure in the attachment, 225,000,000 gallons, would be attained 25 years after the effective date of the letter of February 25, 1958. The maximum water requirements between 1970 of 173,000,000 gallons and the ultimate of 225,000,000 gallons would be obtained by drawing a straight line graph over the thirteen year period. The 5¢ rate would apply to all water used below that graph, the new industrial rates to all water used above that graph. This motion was seconded by Councilman Dailey.

No action was taken on the motion.

The Corporation Counsel was requested to draw the proper legal document to comply with the above motion to be presented to the Council in two weeks.

BUNCOMBE COUNTY AND METROPOLITAN SEWERAGE DISTRICT - JOINT AGREEMENT TO BE ENTERED INTO WITH FOR CONSTRUCTION OF SEWER LINES IN AREA OF THOMPSON STREET AND SWEETEN CREEK ROAD

6. Discussion of a proposed joint agreement with Buncombe County and the Metropolitan Sewerage District for construction of sewer lines in the area of Thompson Street and Sweeten Creek Road.

The City Manager advised that an industrial prospect had expressed an interest in building a plant on a site to be located in the area of Sweeten Creek Road at a point outside the corporate limits, and the County has agreed to run sewer

Regular Meeting Thursday, September 10, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben J. Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

Absent: None

1. Approval of the minutes of the meeting of September 3, 1970.

The minutes were approved as submitted.

ORDINANCE NO. 679 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. Second reading of Ordinance #679 rezoning Lot 134-1/4, Sheet 16, Ward 7 (Glendale Avenue) from RA-6 Residential District to Industrial District.

Said Ordinance No. 679 was passed on its second reading by a vote of four to three with Councilmen Keleher, Dailey, Atkinson and Mayor Montgomery voting in favor of said ordinance and Councilmen Colton, Crouch and Anderson voting against said ordinance.

ORDINANCE NO. 680 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

3. Second reading of Ordinance #680 rezoning Lot 1, Sheet 15, Ward 5 and Lot 5, Sheet 14, Ward 5 (old Rhododendron Park site off Brevard Road) from RA-6 Residential District to Institutional District.

Said Ordinance #680 was unanimously passed on its second reading.

TUNNEL ROAD - PEDESTRIAN CROSS-WALK REQUESTED

4. Reading of a letter concerning the construction of a pedestrian cross-walk over Tunnel Road between Beaucatcher Tunnel and the Haw Creek School.

The City Manager read the letter from Mr. Blanton Wright, and advised that it had been referred to Mr. F. L. Hutchison, Division Engineer of the State Highway Commission.

Councilman Anderson asked that Mr. Hutchison be advised that the Council expressed concern in this matter and requested that the State take any action that seemed appropriate.

GERBER PRODUCTS COMPANY - WATER RATE - DISCUSSION

The City Manager advised that in the Hazen & Sawyer Report certain recommenda-

AN ANALYSIS OF MECHANISMS FOR COORDINATION AND COMMUNICATION OF SELECTED MUNICIPAL AND METROPOLITAN FUNCTIONS - PRESENTATION OF REPORT

10. Presentation of a report on "An Analysis of Mechanisms for Coordination and Communication of Selected Municipal and Metropolitan Functions" from The Research Group, Inc.

Mr. Gerald Horton, President of The Research Group, Inc., presented a summary of said report.

The Mayor thanked Mr. Horton for his work and presentation.

Councilman Anderson suggested that the City Manager make up a check list of said recommendations, and the City Manager said he would undertake to list them in three groupings: those that would require a simple directive from Council to the administration, those requiring legislative action, and long-range proposals that might take years to implement.

CIVIC REDEVELOPMENT PROJECT N. C. R-13 - PARKING

Councilman Colton noted that a request has been made by the County to lease certain property for parking in Civic Redevelopment Project N. C. R-13, and asked if the Council would be consulted.

The City Manager advised that he would attempt to determine how much parking space is involved.

ASHEVILLE-BUNCOMBE TECH - PARKING

Councilman Colton called attention to the inadequate parking in and around Asheville-Buncombe Tech, and stated he thought there should be some form of public transportation in this area.

PRAYER PRECEDING COUNCIL MEETINGS

Councilman Atkinson suggested that there be a short prayer prior to each Council meeting and recommended that this be instituted.

Councilman Dailey advised this would be a violation of Constitutional provisions relating to separation of church and state.

Adjournment

MAYOR

CITY CLERK

and water lines in that area if the city will pick it up and run it into the MSD system; that the City, Metropolitan Sewerage District and the County would share equally in the non-federal cost of the construction and that an application would be made for federal funds to aid in the cost.

The City Manager suggested that he be authorized to proceed to work out the details of a joint agreement with the Metropolitan Sewerage District and the County of Buncombe to be presented to the Council at a later date, and Councilman Crouch so moved, which motion was seconded by Councilman Anderson and unanimously adopted.

METROPOLITAN SEWERAGE DISTRICT -
REVISION IN FEES FOR BILLING
AND COLLECTION SERVICE

7. Consideration of a resolution requesting a revision in fees for billing and collection services for the Metropolitan Sewerage District.

The City Manager called attention to the recommendation in the Hazen and Sawyer report regarding said revision of fees.

Miss McCoy spoke on sewerage charges.

Resolution No. 70-97, being "RESOLUTION REQUESTING A REVISION IN FEES FOR BILLING AND COLLECTION SERVICES FOR THE METROPOLITAN SEWERAGE DISTRICT", was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 519.

ASHEVILLE AIRPORT - PARKING
CONCESSION PROPOSALS

8. Discussion of proposals received for the parking concession at the Asheville Airport.

The City Manager advised that proposals had been received from Air Terminal Parking Company and Airport Parking Company of America for leasing space at the Asheville Airport, and explained said proposals in detail. The City Manager suggested that the Corporation Counsel draw the proper lease agreements and carry out the necessary advertisement, said lease agreement to be submitted to the Council at a later date, and Councilman Atkinson so moved, which motion was seconded by Councilman Anderson and unanimously adopted.

LIBRARY BOARD - APPOINTMENT
OF MEMBER (Mrs. Charles M. Frank)

9. Consideration of a resolution appointing Mrs. Charles M. Frank to the Asheville Library Board.

Resolution No. 70-98, being "RESOLUTION APPOINTING MRS. CHARLES M. FRANK TO ASHEVILLE LIBRARY BOARD", was, upon motion of Councilman Keleher, seconded by Councilman Anderson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 520

FOP Boy's Camp, was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously passed.

Complete copy of resolution will be found in Resolution Book 5 at page 521

BIDS - GAS-FIRED BURNER IN EXISTING BOILER AT CITY AUDITORIUM

6. Consideration of bids received on September 16, 1970 for installation of a gas-fired burner in the existing boiler of the City Auditorium.

The City Manager advised that after due advertisement bids had been received as follows:

Moser Plumbing Co.	$4,820.00
Price Piping Co.	5,125.00
Rogers Plumbing & Heating Co.	5,350.00

and recommended that the bid be awarded to the low bidder, Moser Plumbing Co.

Councilman Anderson so moved, which motion was seconded by Councilman Dailey and unanimously adopted, said amount to come out of the contingency fund.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION - SIGNS

7. Reading of a letter from the Planning and Zoning Commission recommending that Ordinance 322 regarding signs be amended.

The City Manager read the letter from the Planning and Zoning Commission, and advised that the procedure would be to advertise for a public hearing on said amendment.

Councilman Crouch moved that a public hearing be advertised at city expense, which motion was seconded by Councilman Colton and unanimously adopted.

CIVIL SERVICE BOARD - AMENDMENTS TO RULES AND REGULATIONS PROPOSED

8. Discussion of a letter from the Civil Service Board recommending revisions to the Civil Service Rules and Regulations.

The City Manager read the letter which made the following recommendations:

Rule #27 - PROCEDURE FOR COMMUNICATIONS

Employees of the Classified Service who wish to bring a matter before the Board may submit it in writing directly to the Civil Service Board. Upon receipt of the communication the Board will send a copy to the department head and City Manager for their comment and recommendation.

Rule #17 ANNUAL LEAVE

All members of the Administrative and/or Classified Service, shall be entitled to Annual Leave of one work day per month, cumulative to 24 days up to five

Regular Meeting Thursday, September 17, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Webster Anderson, Ruben J. Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

Absent: Councilman Barbara C. Keleher.

1. Approval of the minutes of September 10, 1970.

The minutes were approved as submitted.

ORDINANCE NO. 679 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. Third reading of Ordinance #679 rezoning Lot 154-1/4, Sheet 16, Ward 7 (Glendale Avenue) from RA-6 Residential District to Industrial District.

Said Ordinance No. 679 was passed on its third and final reading by a vote of four to two with Councilmen Anderson, Dailey, Atkinson and Mayor Montgomery voting in favor of said ordinance and Councilmen Colton and Crouch voting against said ordinance.

ORDINANCE NO. 680 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

3. Third reading of Ordinance #680 rezoning Lot 1, Sheet 15, Ward 5 and Lot 5, Sheet 14, Ward 5 (old Rhododendron Park site off Brevard Road) from RA-6 Residential to Institutional District.

Said Ordinance #680 was unanimously passed on its third and final reading.

ORDINANCE NO. 681 - AN ORDINANCE RESTRICTING PARKING ON HAYWOOD ROAD

4. Consideration of an ordinance restricting parking on Haywood Road.

Ordinance #681, being "AN ORDINANCE RESTRICTING PARKING ON HAYWOOD ROAD", was, upon motion of Councilman Crouch, seconded by Councilman Colton, unanimously passed on its first reading.

SUPERIOR PERFORMANCE AWARD CONFERRED ON FRATERNAL ORDER OF POLICE

5. Consideration of a resolution conferring a Superior Performance Award to the Fraternal Order of Police in recognition of the success achieved in operating the Boy's Day Camp.

Resolution No. 70-99, being "RESOLUTION CONFERRING A SUPERIOR PERFORMANCE AWARD TO THE FRATERNAL ORDER OF POLICE IN RECOGNITION OF SUCCESS ACHIEVED IN OPERATING THE

to procedure for communication, and the City Manager also spoke on said subject.

Following a discussion it was decided to bring up the matter at the next Council meeting.

PETITION - RICHMOND HILLS GOLF COURSE

9. Reading of a petition from residents of Richmond Hill Park requesting that sufficient funds be re-allocated and work started immediately on the proposed 18 hole golf course, club house, and recreation park in the Richmond Hills area.

Mr. Johnson submitted the petition and spoke in favor of it.

The Mayor advised that it would take some $750,000 for such a project, and the City doesn't have the money now, but asked the petitioners, as residents of Buncombe County as well as Asheville, to make the same request of the County Commissioners, who have recently indicated an interest in recreational facility development. The petition was referred to the Recreation Advisory Board.

PROCLAMATION - UNITED NATIONS

The Mayor read a proclamation designating the month of October, 1970 as United Nations Month

The Mayor advised that Mr. George Stephens, Sr. has consented to be chairman of the observance of United Nations month, and on Thursday, October 1, at the University of North Carolina at Asheville an Annual Workshop will be held.

PROCLAMATION - CHILD ABUSE AND NEGLECT PREVENTION WEEK

The Mayor read a proclamation designating the week of September 21 - 27 as CHILD ABUSE AND NEGLECT PREVENTION WEEK IN NORTH CAROLINA.

PROCLAMATION - MEN'S GARDEN CLUB WEEK

The Mayor read a proclamation designating the week of September 20 through September 26th as Men's Garden Club Week in Asheville.

ZONING ORDINANCE - AMENDMENT REQUESTED - SIGNS

Councilman Atkinson presented a proposed ordinance submitted by Ramsey Sign Company amending the zoning ordinance with reference to the change in the "square feet allowed in signs."

The City Manager advised he believed Ramsey Sign Company meant the ordinance which provides for no signs within 200 feet of the expressway and other highways without Council approval, and suggested that this proposed ordinance be referred to the Planning and Zoning Commission for study and recommendation.

The Council referred the proposed ordinance to the Planning and Zoning Commission for study and recommendation.

years service. After five years they shall be entitled to 1½ days per month. This leave shall begin at the time of employment but no leave will be granted until after 6 months service. Upon termination of employment, for whatever reason, pay for unused accrued leave to a maximum of two years will be paid. No differential for time over 40 hours.

Rule #17 - SICK LEAVE

All members of the Administrative and/or Classified Service shall be entitled to Sick Leave of one work day per month up to five years of service, and after five years 1½ days. Sick leave may accrue indefinitely. The immediate supervisor of each employee may request a certificate of a licensed physician on a condition of illness. Compensation is not awarded upon termination of active service for unused sick leave.

DEATH IN FAMILY

It is also the recommendation of the Board that employees who have a death in the immediate family be granted up to three work days excused absence with pay, and such leave shall not be charged against the employees annual or sick leave.

The City Manager then read proposed revisions which he and Councilman Kelleher had submitted to the Civil Service Board as follows:

27. Procedure for Communications:

Employees of the Classified Service who wish to bring a matter before the Board may submit it in writing to the administrative head of his department or to the city manager. The department head shall forward to the city manager the communication, with any recommendation he may desire, and the city manager shall promptly forward all such communications to the Board with his written comments.

17. Annual Leave:

All members of the Administrative and/or Classified Service shall be entitled in each calendar year to annual leave or absence with pay as follows:

For those members whose basic work week is 40 hours, one working day of annual leave per continuous month of service, cumulative to a maximum of 24 days. No leave may be taken during the first six months of employment, but accrual begins the month after employment. Employees who work more than 40 hours per week shall be entitled to the mathematic fraction of daily leave the excess of 40 hours bears to 40 hours. After five years of continuous service the 40-hour employee accrues 1.25 working days per working month, and, for those working more than 40 hours, the same percentage applies to the base of 1.25 working days. Upon termination of active employment, pay for unused accrued leave to a maximum of two years accrual is permitted.

17. Cumulative sick Leave:

All members of the Administrative and/or Classified Civil Service shall be entitled in each calendar year for sick leave in the same accrual as indicated above. The immediate supervisor of each employee may request certificate of a licensed physician of a condition of illness. Sick leave may accrue indefinitely. Compensation is not awarded upon termination of active service for unused sick leave.

Mr. Potter, Chairman of the Civil Service Board, spoke on the revision pertaining

Regular Meeting Thursday, September 24, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Barbara C. Keleher, Webster Anderson, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. M. Golding, and City Clerk Margaret Simmons.

Absent: Councilmen Robert P. Crouch and Ruben J. Dailey.

1. Approval of the minutes of the meeting of September 17, 1970.

The minutes were approved as submitted.

CORPORATE LIMITS EXTENSION - C. P. Grimes property off Leicester Highway

2. Public hearing on the annexation of C. P. Grimes property off Leicester Highway near Eliada Home.

The Mayor opened the public hearing at 3:09 o'clock. The City Manager advised that the economics of this annexation could not be completely calculated until the pattern of the land use is known, and suggested that it might be better to delay action on this annexation.

Mr. C. W. Grimes, representing C. P. Grimes, spoke in favor of the annexation.

The Mayor closed the public hearing at 3:16.

Councilman Anderson moved that this ordinance be tabled until the City Manager has had time to study the economics of the situation, which motion was seconded by Councilman Atkinson and unanimously adopted.

ZONING ORDINANCE - AMENDMENT (C. P. GRIMES property off Leicester Highway)

3. Public hearing on the zoning of the C. P. Grimes property off Leicester Highway near Eliada Home.

The Mayor opened the public hearing at 3:19.

The City Manager suggested in view of the tabling of the annexation ordinance that this ordinance also be tabled.

The Mayor closed the public hearing at 3:20.

Councilman Keleher moved that this ordinance be tabled until the matter of the annexation is taken up, which motion was seconded by Councilman Atkinson and unanimously adopted.

ORDINANCE NO. 681 - AN ORDINANCE RESTRICTING PARKING ON HAYWOOD ROAD

4. Second reading of Ordinance 681 restricting parking on Haywood Road.

CITY COUNCIL - TERM OF OFFICE - DISCUSSION

Councilman Colton brought up the matter of four year staggered terms of office for City Councilmen and suggested that this matter be put on the agenda for discussion.

Following a discussion it was decided to put this on the agenda either next week or the following week.

MRS. ROY ROGERS

Mrs. Roy Rogers spoke on urban renewal and home ownership.

SEWERAGE PROBLEM - BOTANICAL GARDENS

Mrs. E. L. Demmon again called attention to a bad sewerage problem in the Botanical Gardens.

The City Manager explained that the city is doing the best it can with available funds to alleviate sewerage problems in various sections of the city.

TRAFFIC - BILTMORE CROSSING

Mr. Johnson spoke about traffic conditions in Biltmore due to the railroad crossing, and asked that the traffic light at Lodge Street and Hendersonville Road be synchronized with the railroad crossing to facilitate the movement of east and west traffic.

JAYCEES - GOVERNMENT AWARENESS PROJECT

Mr. Smith of the Jaycees advised the Council of the Jaycees Government Awareness Project and stated that some member of the Jaycees would be present at all Council meetings.

Adjournment

MAYOR

CITY CLERK

Sick Leave of one work day per month up to five years of service, and after five years 1½ days. Sick Leave may accrue indefinitely. The immediate supervisor of each employee may request a certificate of a licensed physician on a condition of illness. Compensation is not awarded upon termination of active service for unused Sick Leave.

Councilman Anderson moved that the following rule be adopted, which motion was seconded by Councilman Keleher and unanimously adopted, with the Corporation Counsel instructed to prepare guide lines for use in defining "immediate family".

DEATH IN FAMILY

That employees who have a death in the immediate family be granted up to three work days excused absence with pay, and such leave shall not be charged against the employees annual or sick leave.

ZOO - RECOMMENDATION BY RECREATION ADVISORY BOARD

7. Presentation by the Recreation Advisory Board of a report on the Recreation Park Zoo.

Mr. Frank T. Leppert of the Recreation Board presented a number of recommendations for the Zoo, and asked that $18,500.00 from the Recreation Park Improvement Fund be used to upgrade and modernize the zoo.

Miss Barnett, Director of Parks and Recreation, also spoke about the zoo.

Councilman Colton moved that up to $18,500.00 be taken from the Recreation Park Improvement Fund and used to upgrade and modernize the Zoo, which motion was seconded by Councilman Anderson and unanimously adopted.

ABC BOARD - REQUEST TO MOVE SOUTH MARKET STREET STORE TO NEW LOCATION ACROSS THE STREET

The ABC Board by letter requested approval of a move of the South Market Street store across the street to a new location, which move has been approved by the State ABC Board.

The City Manager advised that the owner of the property where the store is now located had offered the use of more space, and Mr. Shelby Horton, attorney for the owner of this property, spoke concerning the matter.

Following a discussion, the City Clerk was asked to request the ABC Board to appear before the Council and explain the matter.

CITY COUNCIL - TERMS OF OFFICE

8. Discussion of the alternatives of methods of election for the Asheville City Council.

The Mayor advised that the Council had discussed this matter, and it was the majority opinion of the Council that the terms of office remain as they now are, and that it was not necessary for the Corporation Counsel to draw up any papers in regard to the matter.

Miss Fannie McCoy spoke against four year terms for members of the City Council.

Councilman Atkinson moved that this ordinance be tabled in order to give the West Asheville merchants more time to try and work out the matter with Mr. Dutcher, which motion was seconded by Councilman Colton and unanimously adopted.

BIDS - TWO ENCLOSED FRONT END LOADER HYDRAULIC-TYPE PACKER BODIES

5. Consideration of bids received on September 21, 1970 for two enclosed front-end loader hydraulic-type packer bodies.

The City Manager advised that after due notice bids had been received as follows:

Simpson Equipment Corporation	Sanco Corporation	Worth-Keeter Inc.
$20,814.00 E-Z Pack	$22,072.00 Dempster Dumpster	$21,522.00 Pak-Mor

The City Manager advised that the bid of Simpson Equipment Corporation did not meet specifications; and that he, the Director of Public Works, the Sanitation Superintendent, and Motor Transport Superintendent recommended acceptance of the bid of Sanco Corporation.

Councilman Anderson moved that the bid be awarded Sanco Corporation, which motion was seconded by Councilman Colton and unanimously adopted.

CIVIL SERVICE RULES AND REGULATIONS - AMENDED

6. Discussion of proposed revisions to the Civil Service Rules and regulations.

There was a discussion concerning Rule #27, following which the following rule was approved upon motion of Councilman Keleher, seconded by Councilman Atkinson and unanimously adopted:

Rule #27 - PROCEDURE FOR COMMUNICATIONS

Employees of the Classified Service who wish to bring a matter before the Board may submit it in writing directly to the Civil Service Board. Upon receipt of the communication the Board will promptly before any action is taken send a copy to the City Manager for his comment and recommendation.

Rule #17 Annual Leave was, upon motion of Councilman Anderson, seconded by Councilman Keleher, unanimously adopted as follows:

Rule #17 - ANNUAL LEAVE

All members of the Administrative and/or Classified Service shall be entitled to Annual Leave of one work day per month, cumulative to 24 days up to five years service. After five years they shall be entitled to 1½ days per month. This leave shall begin at the time of employment but no leave will be granted until after 6 months service. Upon termination of employment, for whatever reason, pay for unused accrued leave to a maximum of 30 working days will be paid. No differential for time over 40 hours.

Rule #17 Sick Leave was, upon motion of Councilman Anderson, seconded by Councilman Keleher, unanimously adopted as follows:

All members of the Administrative and/or Classified Service shall be entitled to

Regular Meeting Thursday, October 1, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Mrs. Barbara C. Keleher, Webster Anderson, Luke Atkinson, City Manager Phin. Horton, III, and City Clerk Margaret Simmons.

Absent: Councilmen Robert P. Crouch, Ruben J. Dailey, and Corporation Counsel J. N. Golding

1. Approval of minutes of the meeting of September 24, 1970.

The minutes were approved as submitted.

CLAIM FOR DAMAGES -
Harry E. Altman

2. Consideration of a claim for damages for $23.42 by Harry E. Altman

This claim was referred to the Corporation Counsel.

CLAIM FOR DAMAGES -
James E. Brown

3. Consideration of a claim for damages for $44.07 by James E. Brown

This claim was referred to the Corporation Counsel

CLAIM FOR DAMAGES -
First Union National Bank of North Carolina

4. Consideration of a claim for damages for $2,741.50 by First Union National Bank of North Carolina.

This claim was referred to the Corporation Counsel.

ZONING ORDINANCE - AMENDMENT
REQUESTED (Lot 609½, Sheet 6, Ward 9)

5. Consideration of a petition submitted by Citizens Hardware Company, requesting that Lot 609½, Sheet 6, Ward 9, 841 Merrimon Avenue, be rezoned from RA-6 Residential to Neighborhood Trading Area.

This request was referred to the Planning and Zoning Commission.

ZONING ORDINANCE - AMENDMENT
REQUESTED (Lot 609, Sheet 6, Ward 9)

6. Consideration of a petition submitted by George N. and John Kaltaunis requesting that Lot 609, Sheet 6, Ward 9, 853 Merrimon Avenue, be rezoned from RA-6 Residential to Neighborhood Trading Area.

This request was referred to the Planning and Zoning Commission.

WESTERN NORTH CAROLINA REGIONAL AIR POLLUTION BOARD - APPOINTMENT OF MEMBER (Jack W. Westall, Jr.)

9. Consideration of a resolution appointing member of Western North Carolina Regional Air Pollution Board.

Resolution No. 70-100, being "RESOLUTION APPOINTING MEMBER OF THE WESTERN NORTH CAROLINA REGIONAL AIR POLLUTION BOARD", was, upon motion of Councilman Anderson, seconded by Councilman Colton, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 522.

FLUORIDATION - Miss McCoy

Miss McCoy spoke about fluoridation, and announced her intention to get up petitions calling for an election on the question of adding fluoride, calgon and caustic soda to the public water supply.

ASHEVILLE HOUSING AUTHORITY - DISCUSSION

Mr. Carl Johnson asked for a joint meeting of City Council, Asheville Housing Authority, and tenant representatives, and that the tenant representatives would like to be a part of the decision-making process within the Housing Authority. Mr. Johnson also stated that Mr. Jennings Groome, who recently resigned as Executive Director of the Housing Authority, had done a good job, and that the tenants wanted him returned as Executive Director.

Mrs. Virginia Holloway spoke against Mr. Jennings Groome.

Speaking for Mr. Jennings Groome were Mrs. Louise Conley, Mrs. Carrie Wright, Senior Sligh, Ophelia Logan, Mrs. Lucille Lynch, Kathryn Riley, and Rev. A. R. Madden.

The Mayor advised that the Council tried to get people who are familiar with the problems of the people in the area as members of the Housing Authority, that the Council was behind the Housing Authority 100%, and had complete confidence in their judgment.

Adjournment

MAYOR

CITY CLERK

DAM ON SWANNANOA RIVER - RESOLUTION URGING CONSTRUCTION

11. Consideration of a resolution encouraging George B. Shultz, Director, Office of Management and Budget, Washington, D. C. to urge the construction of a retention dam on the Swannanoa River.

The City Manager read the resolution, and Mr. Meredith Stone spoke in favor of said resolution.

Following a discussion, Councilman Anderson moved that this resolution be referred to the Planning Staff for study and recommendation, which motion was seconded by Councilman Atkinson and unanimously adopted.

SUPERIOR PERFORMANCE AWARD - NEAL HANKS

12. Consideration of a resolution conferring a Superior Performance Award to Mr. Neal Hanks.

Resolution No. 70-101, being "RESOLUTION CONFERRING A SUPERIOR PERFORMANCE AWARD TO MR. NEAL HANKS IN RECOGNITION FOR HIS SIGNIFICANT CONTRIBUTION TO THE CITY OF ASHEVILLE", was, upon motion of Councilman Keleher, seconded by Councilman Colton, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 523.

SUPERIOR PERFORMANCE AWARD - H. L. FUHRY

13. Consideration of a resolution conferring a Superior Performance Award to Mr. H. L. Fuhry.

Resolution No. 70-102, being RESOLUTION CONFERRING A SUPERIOR PERFORMANCE AWARD TO MR. H. L. FUHRY IN RECOGNITION FOR OUTSTANDING SERVICE IN AIDING THE HANDICAPPED", was, upon motion of Councilman Anderson, seconded by Councilman Atkinson, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 524.

RESEARCH GROUP, INC. - SUMMARY OF RECOMMENDATIONS

The City Manager distributed to members of the Council a summary of the recommendations of the Research Group, Inc.

PROCLAMATION - National Employ the Handicapped Week

The Mayor read a proclamation designating the week of October 4th as National Employ the Handicapped Week.

PROCLAMATION - Fire Prevention Week

The Mayor read a proclamation designating the week of October 4th as Fire Prevention Week.

ZONING ORDINANCE - AMENDMENT
REQUESTED (Lots 34½, 36, Sheet 6, Ward 9)

7. Consideration of a petition submitted by Orma P. Solesby requesting that Lots 34½, and 36, Sheet 6, Ward 9, 6 Clairmont Avenue, be rezoned from RA-6 Residential to Neighborhood Trading Area.

This request was referred to the Planning and Zoning Commission.

ABC BOARD - REQUEST TO MOVE
SOUTH MARKET STREET STORE TO
NEW LOCATION ACROSS THE STREET

8. Discussion of the proposed purchase of property by the local ABC Board for the relocation and construction of a new ABC store on South Market Street.

Mr. Larry McDevitt, attorney for the City of Asheville Board of Alcoholic Control, explained the reasons for the proposed relocation of the ABC store on South Market Street, and answered questions concerning same.

Following a discussion, Councilman Anderson moved that the Council approve the purchase of the property for the new location, which motion was seconded by Councilman Colton and unanimously adopted.

BIDS - ROCK BULK SALT

9. Consideration of bids received September 25, 1970 for 200 tons of rock bulk salt to be used for snow and ice control.

The City Manager advised that after due advertisement bids had been received as follows:

Cargill Salt Company	International Salt Co.	Diamond Crystal Salt Company
$3,360.00	$3,006.00	$3,286.00

and recommended that the bid be awarded to the low bidder, International Salt Co. for $3,006.00.

Councilman Keleher moved that the bid be awarded to the low bidder, International Salt Co. for $3,006.00, which motion was seconded by Councilman Colton and unanimously adopted.

ASHEVILLE TRANSIT AUTHORITY -
REQUEST FOR REZONING

10. Reading of a resolution passed by the Asheville Transit Authority on August 31, 1970 concerning a request to City Council for the rezoning of property for the purpose of constructing a bus garage.

The City Manager read a letter from the Chairman of the Asheville Transit Authority, and the resolution of the Asheville Transit Authority, and recommended advertisement of a public hearing to consider said rezoning.

Councilman Colton moved that an advertisement of a public hearing to consider said rezoning be published at the earliest possible date, which motion was seconded by Councilman Anderson and unanimously adopted.

Regular Meeting Thursday, October 8, 1970 - 3:00 o'clock P.M.

Present: Mayor Wayne S. Montgomery presiding; Councilman Henry E. Colton, Councilman Barbara C. Keleher, Councilman Webster Anderson, Councilman Luke Atkinson, Councilman Robert P. Crouch, City Manager Phin. Horton III, Corporation Counsel J. N. Golding, and Acting City Clerk Dorothy T. Jones.

Absent: Councilman Ruben J. Dailey and City Clerk Margaret Simmons.

1. Approval of minutes of meeting of October 1, 1970.

The minutes were approved as submitted.

ZONING ORDINANCE - AMENDMENT
REQUESTED (Lot 224, Sheet 7, Ward 6)

2. Consideration of a petition submitted by David Hensley, requesting that Lot 224, Sheet 7, Ward 6, corner of Burton and Baker Streets, be rezoned from RA-5 Residential to Commercial.

This request was referred to the Planning and Zoning Commission.

MR. JULIAN B. PROSSER, JR. - RESOLUTION
OF RECOGNITION AND GOOD WISHES

Resolution No. 70-103 , being RESOLUTION COMMENDING JULIAN B. PROSSER, JR. FOR HIS SIGNIFICANT CONTRIBUTION TO THE CITY OF ASHEVILLE, was, upon motion of Councilman Crouch, seconded by Councilman Keleher, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 525 .

PETITION - BUS SERVICE

3. Reading of a petition requesting bus service until 12:00 midnight and all day Sunday.

City Manager Phin. Horton III read the petition.

PETITION - BUS SERVICE

4. Reading of a petition requesting cooperation in extending the bus service up to 11:00 p.m. weekdays and service on Sundays.

City Manager Phin. Horton III read the petition.

Mrs. Myrtle Burgess, 109 Cherry Street, City, a member of the Citizens Improvement Council, addressed the Council. She advised that many people have to work at night and must get taxis home; they cannot afford this; they cannot shop at night; and they cannot attend church. Mrs. Burgess stated that night bus service and Sunday bus service would mean more business for merchants, would relieve traffic, and would increase bus revenues. She also requested that the bus fare reduction given to Senior Citizens be extended for all hours.

ASHEVILLE ART MUSEUM - EXHIBITS

Councilman Keleher advised that Mrs. Haber of the Asheville Art Museum wished to call attention to the October exhibits and programs at the Asheville Art Museum featuring environmental problems, scheduled being slide presentations, a film festival, a variety of art exhibits and competition among young adults to produce imaginative sculptures from junk materials.

FLUORIDE - Protest of Miss McCoy

Miss Fannie McCoy protested the addition of calgon, caustic soda and fluoride to the public water supply.

CITY EMPLOYEES

Mr. Robert L. Hyatt questioned the employment of certain individuals by the City of Asheville.

HOUSING - 44 Holland Street - request to rescind ordinance ordering demolishing

Mr. Bob Tucker advised the Council that he was the owner of the house at 44 Holland Street, which had been ordered demolished, and that he wished to bring said house up to standard. Mr. Tucker asked the Council to rescind Ordinance 678, which ordered said house demolished.

Mr. Johnson, the Building Inspector, advised that all legal process had been complied with; that Mr. Tucker had appealed to the Appeals Board, which Board had upheld the ruling of the Building Inspector.

Following the discussion, Mr. Johnson was directed to proceed with the demolition of said house.

Adjournment

MAYOR

CITY CLERK

RESOLUTION - ASHEVILLE JAYCEES - FOR ESTABLISHMENT OF BETTER BUSINESS BUREAU AND COMMENDING EFFORTS OF MR. CHARLES KERN

7. Consideration of a resolution, presented by the Asheville Jaycees, in support of the efforts for establishment of a Better Business Bureau and commending the efforts of Mr. Charles Kern toward the establishment of a Better Business Bureau.

This resolution was read to Council by Mr. David Levitch of the Asheville Jaycees. Mr. Kern addressed Council with a brief history of the efforts to establish a Better Business Bureau, he pointed out how the general public is not protected from fraudulent business practices, and he cited some examples of how the creation of a Better Business Bureau would police our local businesses.

After some discussion by Council, the City Manager noted that the resolution had been presented by the Asheville Jaycees and asked the representatives of that organization what action they would like by the Council. The Jaycees and Mr. Kern requested endorsement of their resolution and a written endorsement for their presentation to the national organization for Better Business Bureau.

SIGN - SHELL OIL COMPANY

8. Consideration of a letter from the Planning Staff regarding an application for erection of signs at 495 Haywood Road by Shell Oil Company.

This item was struck from the agenda at the request of the Shell Oil Company representative present at the Council meeting.

SIGNS- GREEN STAMP - PERMIT DENIED

6. Consideration of a letter from the Planning Staff regarding an application for erection of signs at 45 Charlotte Street by Shell Oil Company.

The City Manager read a letter from the Planning Staff recommending that the application requesting Green Stamp signs, two of the three signs involved being already erected, be denied.

Mr. Gordon Kiser, 337 Sunset Drive, owner-leasee of the Shell service station located at 45 Charlotte Street, addressed the Council regarding the importance of the signs for the profit of his business.

The Council unanimously decided that the two erected signs should be removed and that the permit for erection of the third sign be denied.

SIGN - KEY HOMES - REVISED APPLICATION REQUESTED

9. Consideration of a letter from the Planning Staff regarding an application for erection of sign at 770 Patton Avenue by Key Homes.

The City Manager read a letter from the Planning Staff recommending that the application requesting a permit for a roof sign at 770 Patton Avenue be denied.

After some discussion by the Councilmen, the Mayor recommended that this petition be referred to the Asheville Transit Authority, along with petition in Item No. 3, for the consideration of the Asheville Transit Authority.

AUDITORIUM BOND ANTICIPATION NOTES

5. Consideration of a resolution providing for the issuance of $1,000,000 Auditorium Bond Anticipation Notes.

Councilman Webster Anderson introduced in written form the resolution entitled RESOLUTION PROVIDING FOR THE ISSUANCE OF $1,000,000 AUDITORIUM BOND ANTICIPATION NOTES, which was read.

Upon motion of Councilman Crouch, seconded by Councilman Atkinson, the resolution entitled RESOLUTION PROVIDING FOR THE ISSUANCE OF $1,000,000 AUDITORIUM BOND ANTICIPATION NOTES was passed by the following vote:

Yeas: Councilmen Wayne S. Montgomery, Robert P. Crouch, Barbara C. Kaleher, Henry E. Colton, Webster Anderson, and Luke Atkinson.

Nays: none

Thereupon the resolution entitled RESOLUTION PROVIDING FOR THE ISSUANCE OF $1,000,000 AUDITORIUM BOND ANTICIPATION NOTES was authenticated by the signing thereof by the Mayor, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

Complete text of resolution will be found in Resolution Book 5 at page 528-529 526-527.

BIDS - FIRE HOSE

6. Consideration of bids received September 22, 1970 for furnishing 2,000 feet of fire hose for the Fire Department of the City of Asheville.

The City Manager advised that after due advertisement bids had been received as follows:

Zimmerman-Evans, Inc. - $1.19 per foot (less 2% discount)		Eureka Hose	$2,475.20
American LaFrance - $1.78 per foot		Aflex	$3,702.40
Tidewater Supply Co. - $1.50 per foot		Goodyear	$3,120.00
Silverman Company - $1.64 per foot		National	$3,411.20
Fabric Fire Hose Co. - $1.19 per foot		Fabric	$2,475.20

and recommended that the bid be awarded to the low bidder, Zimmerman-Evans, Inc., Greensboro, North Carolina, for $2475.20.

Councilman Anderson moved that the bid be awarded to the low bidder, Zimmerman-Evans, Inc., for $2475.20, which motion was seconded by Councilman Atkinson and unanimously adopted.

RESEARCH GROUP, INC.
REPORT -

Councilman Anderson requested that a discussion of Research Group, Inc. report, Items I ABC, for actions by Council alone, be included in the Agenda for next week's meeting of the City Council.

BEAUCATCHER TUNNEL - DISCUSSION
OF RESPONSIBILITY

Councilman Atkinson questioned the city's responsibility in maintenance of the Tunnel, at which time the City Manager advised that maintenance of the Tunnel is the responsibility of the State except that the City sometimes voluntarily sweeps. The City Manager read a letter from the State Highway Commission in which they state that any major improvements to the tunnel would be delayed until the construction of and operation of the new tunnel.

CITIZENS' COMMENTS

ROBERT PERRY TUCKER -
44 HOLLAND STREET

Mr. Robert Perry Tucker requested that Council rescind Ordinance 678 which ordered demolishing 44 Holland Street. After discussion, Council did not take action to withhold the demolition of 44 Holland Street.

Adjournment

W S Hemphill, Jr.
MAYOR

Margaret Sumrow
CITY CLERK

Mrs. Joan Vining, a representative of Key Homes, addressed the Council and presented the purpose for having the sign by stating that the present sign was obscured and business prospects were unable to locate the Key Homes office.

Councilman Colton raised the question of the differentiation and definition of the "principal use sign." Mr. Nicholas S. Kmecza, Jr., Director of Planning, explained to the Council the reasoning of the Planning Staff in recommending that this application be denied.

Councilman Keleher suggested that Mrs. Vining work with the Planning Staff in revising the Key Homes application for a sign that would be acceptbale and recommended by the Planning Staff. The Council requested a revised application for the sign.

SUPERIOR PERFORMANCE AWARD - DONALD E. WALSH

Resolution No. 70-104, being "RESOLUTION CONFERRING A SUPERIOR PERFORMANCE AWARD TO MR. DONALD E. WALSH IN RECOGNITION FOR HIS SIGNIFICANT CONTRIBUTION TO THE CITY OF ASHEVILLE," was, upon motion of Councilman Anderson, seconded by Councilman Crouch, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 530.

FOOTBALL GAME

Mayor Montgomery called attention to the Asheville High School's football game with Parkland High School of Winston-Salem on Friday, mentioned the performance of the marching band, the new uniforms, and asked support for the team.

ARMY BAND - REQUEST TO USE CITY AUDITORIUM

Councilman Anderson stated that the Army Band had requested use of the City Auditorium and had been told there would be a $300.00 charge for this. He said that the Army Band does not charge admission for performances and that he felt that, since this was a public service, and no contributions are collected, the City should make some arrangements for scheduling this program into the Auditorium. He suggested an appropriation of $500.00 to the Auditorium Advisory Committee. The City Manager advised that the purpose of the Advisory Committee is to aid the Manager so that he does not have to singularly make decisions such as this. He also pointed out that there would always be out-of-pocket expenses for the stage hands. A motion was made by Councilman Anderson, and seconded by Councilman Crouch that $500.00 be allocated from the Contingency Fund to the Auditorium Budget for this purpose. The motion was unanimously adopted.

ZONING ORDINANCE - RECOMMENDATION
OF PLANNING AND ZONING COMMISSION
Size of Signs

4. Reading of a letter from the Asheville Planning and Zoning Commission recommending that the request of Ramsey Sign Company that Section 6A, Subsection 8a of the Asheville Zoning Ordinance be amended regarding size of signs be denied.

The City Manager read the recommendation of the Planning and Zoning Commission that the request be denied. No comments were received from the public. No public hearing was requested. No action was taken by Council.

RESOLUTION - TO ESTABLISH
COUNTY-WIDE WATER DEPARTMENT

5. Consideration of a resolution to establish county-wide water department.

The City Manager read the resolution. Miss Fannie McCoy addressed the Council.

Following a discussion, the RESOLUTION TO ESTABLISH COUNTY WIDE WATER DEPARTMENT was, upon motion of Councilman Anderson, seconded by Councilman Colton, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 531.

RESOLUTION - BETTER
BUSINESS BUREAU

6. Consideration of a resolution to promote a Better Business Bureau in the Asheville - Buncombe County community.

Resolution No. 70-105, being "RESOLUTION ENCOURAGING THE DEVELOPMENT OF A BETTER BUSINESS BUREAU FOR THE ASHEVILLE - BUNCOMBE COUNTY COMMUNITIES," was, upon motion of Councilman Crouch, seconded by Councilman Keleher, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 532.

RESOLUTION - AUTHORIZING MAYOR TO ENTER
AN AGREEMENT WITH THE DEPCON GROUP, INC.

7. Consideration of a resolution authorizing the Mayor of Asheville to enter into an agreement with the Depcon Group, Inc.

Resolution No. 70-106, being "RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO AN AGREEMENT WITH THE DEPCON GROUP, INCORPORATED," was, upon motion of Councilman Anderson, seconded by Councilman Colton, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 533.

Regular Meeting Thursday, October 15, 1970 - 3:00 o'clock P.M.

Present: Mayor Wayne S. Montgomery presiding, Councilman Henry E. Colton, Councilman Robert Crouch, Councilman Barbara C. Keleher, Councilman Webster Anderson, Councilman Luke Atkinson, City Manager Phin. Horton III, and Acting City Clerk Dorothy T. Jones.

Absent: Councilman Ruben J. Dailey, City Clerk Margaret Simmons, and Corporation Counsel James N. Golding.

1. Approval of minutes of meeting of October 8, 1970.

The minutes were approved as submitted.

ORDINANCE NO. 682 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE AS AMENDED"

2. Public hearing on an ordinance amending Ordinance #322, known as "An Ordinance Providing for the Zoning of the City of Asheville, As Amended."

The Mayor opened the public hearing at 3:09, and the City Manager read the affidavit of publication and the recommendation of the Planning and Zoning Commission.

No comments were received from the public.

The Mayor closed the public hearing at 3:13.

Ordinance No. 682 , being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, AS AMENDED," was upon motion of Councilman Henry Colton, seconded by Councilman Barbara Keleher, unanimously passed on its first reading.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lots 481-1/4, 482-1/4, Sheet 26, Ward 7)

3. Reading of a letter from the Asheville Planning and Zoning Commission recommending that the request of Mr. Charles W. Morgan that Lots 481-1/4 and 482-1/4, Sheet 26, Ward 7 be rezoned from RA-6 Residential District to Neighborhood Trading Area be denied.

The City Manager read the recommendation of the Planning and Zoning Commission that the request be denied. The City Manager pointed out that if the recommendation is denied, the owner has right to insist on a public hearing. No public hearing was requested. No action was taken by Council.

Citizen comment was invited. Miss Fannie McCoy addressed the Council on the failure of urban renewal, destruction of personal rights, salaries of various members of the City of Asheville staff, and the city water. Miss McCoy was asked by Mayor Montgomery to withhold her comments. Questions were answered for citizens Ms. Millie Moultrie of 36 Walton Street and Ms. Nola Knuckles.

Further discussion is to be included on the agenda for the City Council meeting of October 22, 1970, and interested parties may take part in the discussion at that time.

a. Establish Position of Assistant to the City Manager for Program Development and Coordination

The City Manager pointed out the recommendations of the Research Group, Inc., from the text of the report.

The Council expressed that they were unanimously in favor of the principle of establishing the position. It was suggested that the City Manager be given a month or so to seek funds for the establishment of this position.

CLAIM - FLOYD E. SAYLES AND SKYLAND AVIATION, INC.

Cecil C. Jackson, Jr., Attorney, 509 Jackson Building, presented a notice of claim of Floyd E. Sayles and Skyland Aviation, Inc. for the sum of $200,000, alleging that they were excluded from engaging their business at the Asheville Airport.

This claim was referred to the Corporation Counsel.

TOWN HOUSE MEETING

Mr. Joe Young, Jr., of the Asheville Jaycees, announced the Town House Meeting at University of North Carolina - Asheville, at 7:30 p.m., October 21, 1970.

Council and the public were urged to attend the meeting.

PETITIONS - SEWER REPAIR - RICHIE AND JAMES
STREETS - DEMOLITION - #3 & #4 JANE STREET

Petitions were presented to Council by Mrs. Viola Lee of 34 Richie Street, as follows:

Petition for repair of sewer line on city lot at corner of Richie and James Streets. This petition was referred to Water Maintenance Department.

Petition for demolition of two houses, #3 and #4 Jane Street. This petition was referred to the Building Inspector in Public Safety Department.

Adjournment

W S Montgomery, MD
MAYOR

Margaret Simmons
CITY CLERK

RESOLUTIONS - AMPLIFYING THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES' ACTIONS REGARDING ITS 1971 LEGISLATIVE PROGRAM

8. Consideration of resolutions amplifying the North Carolina League of Municipalities' actions regarding its 1971 legislative program.

Resolution No. 70-107, being "RESOLUTION ENDORSING THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES LEGISLATIVE POLICY RESOLUTION NUMBER ONE ON CONSTITUTIONAL AMENDMENTS," was, upon motion of Councilman Crouch, seconded by Councilman Anderson, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 534.

Resolution No. 70-108, being "RESOLUTION ENDORSING THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES LEGISLATIVE POLICY RESOLUTION NUMBER FIVE ON REVENUE SHARING," was, upon motion of Councilman Keleher, seconded by Councilman Atkinson, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 535.

Resolution No. 70-109, being "RESOLUTION COMMENDING GOVERNOR ROBERT W. SCOTT FOR RECOGNIZING THE FINANCIAL PLIGHT OF MUNICIPAL GOVERNMENTS IN THIS STATE," was upon motion of Councilman Anderson, seconded by Councilman Atkinson, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 536.

DISCUSSION - RECOMMENDATIONS OF RESEARCH GROUP, INC.

9. Discussion of recommendations of the Research Group, Inc.,as follows:

c. Combine Land Management under Parks and Recreation Department

After discussion, Councilman Keleher made a motion, seconded by Councilman Atkinson, and unanimously adopted, that the Council instruct the City Manager to provide a resolution for merger of the Land Management and Parks and Recreation Department.

b. Abolish Housing Authority & Redevelopment Commission and create Department of Housing and Redevelopment

1. Move Building Inspections to Department of Housing and Redevelopment

2. Create Advisory Board for Housing and Redevelopment

The City Manager pointed out the recommendations of the Research Group, Inc., from the text of the report "An Analysis of Mechanisms for Coordination and Communication of Selected Municipal and Metropolitan Functions - City of Asheville, North Carolina."

A regular meeting of the Council of the City of Asheville, North Carolina, was held at the City Hall, the usual place of meeting, at 3 o'clock p.M., October 8, 1970, with the following members present:

Mayor Wayne S. Montgomery, presiding, and Councilmen Robert P. Crouch, Barbara C. Keleher, Henry E. Colton, Webster Anderson and Luke Atkinson.

Absent: Ruben J. Dailey.

* * * * *

Councilman Webster Anderson introduced the following resolution which was read:

RESOLUTION PROVIDING FOR THE ISSUANCE OF $1,000,000 AUDITORIUM BOND ANTICIPATION NOTES

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. The Council has determined and does hereby find and declare:

(a) That an ordinance authorizing $4,000,000 Auditorium Bonds was passed on October 19, 1967, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held on December 5, 1967.

(b) That none of said bonds has been issued and that there are outstanding $1,000,000 Auditorium Bond Anticipation Notes which were issued in anticipation of the receipt of the proceeds of a like amount of said bonds, which notes are dated April 21, 1970, mature on October 21, 1970 and bear interest at the rate of 4.45% per annum.

(c) That the holder of said $1,000,000 notes, dated April 21, 1970 and maturing on October 21, 1970 has consented to accept new notes in the principal amount of $1,000,000 in exchange for said

outstanding notes, the new notes to be dated October 21, 1970, to mature on October 21, 1971, and to bear interest at the rate of 4.69% per annum.

Section 2. In anticipation of the receipt of the proceeds of a like amount of said bonds the issuance of $1,000,000 negotiable notes of the City of Asheville is hereby authorized, which notes shall be designated "Auditorium Bond Anticipation Notes", shall be dated October 21, 1970, shall mature on October 21, 1971, shall consist of 10 notes of the denomination of $100,000 each, numbered 1 to 10, inclusive, and bear interest at the rate of 4.69% per annum. Unless sooner redeemed as hereinafter provided, interest shall be payable at the maturity of the notes to which no interest coupons shall be attached. Both the principal and interest on said notes shall be payable at North Carolina National Bank, in the City of Charlotte, North Carolina, in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts.

Section 3. All of the notes herein authorized may be redeemed prior to their maturity, in whole on any date, at the option of the City, from only the proceeds of the bonds in anticipation of which said notes are issued, at the principal amount of the notes to be redeemed, together with the interest accrued thereon to the date fixed for redemption.

At least thirty (30) days before the redemption date a notice of any such redemption, signed in the name of the City by an officer thereof, (a) shall be published once in a daily newspaper of general circulation in the City of Asheville, North Carolina, or a financial journal published in the Borough of Manhattan, City and State of New York and (b) shall be filed at the banks at which said notes and the interest thereon shall be payable, but failure to file any such notice shall not affect the validity of the proceedings for such redemption. Each such notice shall set forth the date fixed for redemption and the redemption price to be paid.

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Notwithstanding the foregoing provisions of this Section, publication of the notice hereinabove provided for shall not be required for the redemption of the notes in the event that such notice shall be filed with the holders of all of the outstanding notes.

On the date so designated for redemption, notice having been given in the manner and under the conditions hereinabove provided and moneys for payment of the redemption price being held by the banks at which said notes and the interest thereon shall be payable or being otherwise held in trust for such purpose, the notes so called for redemption shall become and be due and payable, interest on such notes shall cease to accrue and the holders of such notes shall have no rights except to receive payment of the redemption price thereof. The notes so redeemed shall be cancelled upon the surrender thereof.

Section 4. Said notes shall be signed by the Mayor and the City Clerk and the corporate seal of the City shall be affixed to the notes, and said notes shall have endorsed thereon the written approval of the City Attorney, and the form of said notes and the endorsement to be placed upon the reverse of each note shall be substantially as follows:

No. _____ $100,000

United States of America
State of North Carolina
County of Buncombe

CITY OF ASHEVILLE

Auditorium Bond Anticipation Note

The City of Asheville, a municipal corporation in Buncombe County, North Carolina, is justly indebted and for value received hereby promises to pay to the bearer on the 21st day of October, 1971, (or earlier as hereinafter referred to), the principal sum of

ONE HUNDRED THOUSAND DOLLARS

and to pay interest thereon from the date hereof at the rate of four and sixty-nine hundredths per centum (4.69%) per annum, payable upon the presentation and surrender of this note at its maturity or re-

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demption. Both the principal of and the interest on this note are payable at North Carolina National Bank, in the City of Charlotte, North Carolina, in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts. For the prompt payment hereof, both principal and interest as the same become due, the full faith and credit of said City of Asheville are hereby irrevocably pledged.

This note is given for money borrowed in the amount of the face of this note in anticipation of the receipt of the proceeds of a like amount of Auditorium Bonds duly authorized by an ordinance passed by the Council of said City on October 19, 1967, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held, and this note is issued pursuant to and in full compliance with The Municipal Finance Act, 1921, as amended, and the Local Government Act, as amended, and a resolution duly passed by the Council of said City.

All of the notes of this series may be redeemed prior to their maturity, in whole on any date, at the option of the City, from only the proceeds of the bonds in anticipation of which said notes are issued at the principal amount of the notes to be redeemed, together with the interest accrued thereon to the date fixed for redemption. Any such redemption shall be made upon at least thirty (30) days' prior notice by publication and otherwise as provided in the resolution passed by the Council of said City providing for the issuance of the notes and shall be made in the manner and under the terms and conditions provided in said resolution; provided, however, that notice by publication shall not be required in the event that such notice shall be filed with the holders of all of the outstanding notes. On the date designated for redemption, notice having been given and moneys for payment of the redemption price being held in trust for such purpose, all as provided in said resolution, the notes so called for redemption shall become and be due and payable, interest on such notes shall cease to accrue and the holders of such notes shall have no rights except to receive payment of the

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redemption price thereof.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this note have happened, exist and have been performed in regular and due form and time as so required, and that the total indebtedness of said City, including this note, does not exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, said City of Asheville has caused this note to be signed by its Mayor and its City Clerk and the corporate seal of the City to be affixed hereto, all as of the 21st day of October, 1970.

Wayne S. Montgomery, M.D.
Mayor

Margaret Simmons
City Clerk

The issuance of this note is hereby approved.

City Attorney

(To be endorsed upon the reverse of the notes)

Local Government Commission
Serial No. ....

The issuance of this note has been approved under the provisions of the Local Government Act of North Carolina.

H. E. BOYLES,
Secretary, Local Government Commission

By: _____
Designated Assistant

Section 4. The Local Government Commission of North Carolina is hereby requested to exchange, through the State Treasurer, the $1,000,000 Auditorium Bond Anticipation Notes dated October 21, 1970, and described in Section 2 of this resolution, par for par, for the $1,000,000 Auditorium Bond Anticipation Notes dated April 21, 1970, maturing October 21, 1971, and bearing interest at the rate of 4.69% per annum.

Wayne S. Montgomery, M.D.
Mayor

Margaret Simmons
City Clerk

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Approved as to form:

_____
Corporation Counsel

Thereupon Councilman Robert P. Crouch moved the passage of the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $1,000,000 AUDITORIUM BOND ANTICIPATION NOTES." and Councilman Luke Atkinson seconded the motion and the resolution was passed by the following vote:

Yeas: Councilmen Wayne S. Montgomery, Robert P. Crouch, Barbara C. Keleher, Henry E. Colton, Webster Anderson, and Luke Atkinson.

Nays: none.

Thereupon the resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $1,000,000 AUDITORIUM BOND ANTICIPATION NOTES" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporate Counsel endorsed upon said resolution his approval of the form thereof.

* * * *

I, Margaret Simmons, City Clerk of the City of Asheville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and correct copy of excerpts of the minutes of a meeting of the Council of the City of Asheville held on October 8, 1970, and of a resolution passed at said meeting, which minutes are recorded in Minute Docket 37, beginning at page 161 and ending at page 161.

I FURTHER CERTIFY that the following resolution is recorded in Resolution Book 5, at the pages hereinafter set forth:

Title of Resolution	Pages where recorded
RESOLUTION PROVIDING FOR THE ISSUANCE OF $100,000 AUDITORIUM BOND ANTICIPATION NOTES	526-527-528-529

WITNESS my hand and the corporate seal of said City, this 9th day of October, 1970.

Margaret Simmons
City Clerk

MITCHELL, PETTIT & SHELTZER, 38th FLOOR, 30 BROAD STREET, NEW YORK, N. Y. 10004

ORDINANCE #683 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, AS AMENDED"

Ordinance #683 was unanimously passed on its third and final reading.

ORDINANCE NO. 682 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, AS AMENDED

3. Second reading of Ordinance 682 concerning signs which amends Ordinance #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended.

Said Ordinance #682 was unanimously passed on its second reading.

RECOMMENDATIONS OF THE RESEARCH GROUP, INC. - DISCUSSION

4. Discussion of recommendations of The Research Group, Inc. as follows:

Abolish Housing Authority and Redevelopment Commission and create Department of Housing and Redevelopment

Move Building Inspections to Department of Housing and Redevelopment

Create Advisory Board for Housing and Redevelopment.

The Vice-Mayor advised that four letters had been received, but that they were not pertinent to the issue. The City Manager read a communication from a Committee of Businessmen.

Mr. Robert Webb, Commissioner of the Housing Authority, gave his personal views on the matter, basically agreeing with the concept but opposed to the Housing and Redevelopment being made a part of city government.

Reverend DeSaix, Mr. E. V. Mathison, and Mr. Jack Stewart, members of the Housing Authority, expressed similar views.

Other speakers in opposition to the proposed plan were Carl Johnson, Mrs. Virginia Holloway and Clyde L. Johnson.

The Council took no action on the matter other than to place it on the agenda for next week's meeting.

WATER RATES - GERBER PRODUCTS COMPANY

5. Consideration of a resolution establishing water rates for the Gerber Products Company.

Following a discussion, Resolution No. 70-110, RESOLUTION ESTABLISHING WATER RATES FOR THE GERBER PRODUCTS COMPANY, was, upon motion of Councilman Crouch, seconded by Councilman Keleher, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 537.

Regular Meeting Thursday, October 22, 1970 - 3:00 o'clock P. M.

Present: Vice-Mayor Webster Anderson presiding; Councilmen Henry E. Colton, Robert L. Crouch, Mrs. Barbara C. Keleher, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

Absent: Councilmen Luke Atkinson, Ruben Dailey, and Mayor Wayne S. Montgomery.

1. Approval of minutes of meeting of October 15, 1970.

The minutes were approved as submitted.

ORDINANCE NO. 683 - AN ORDINANCE AMENDING ORDINANCE # 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, AS AMENDED"

I. Public hearing on rezoning of Lots 134, 135, 136, 137, 138, 138½, 139 and 139½, Ward 4, Sheet 3, and Lots 135, 136, 137, 138 and 139, Ward 4, Sheet 4, known as Prospect Park from RA-5 to Industrial for the purpose of constructing a bus garage.

The City Manager advised that this is the date set for the public hearing, and the Vice-Mayor opened the public hearing at 3:39. The City Manager presented the affidavit of publication, and advised that the Model Cities Commission had proposed to purchase this property, and then presented a further resolution from the Model Cities Commission rescinding its offer to purchase said property, and further advised that the Planning and Zoning Commission had recommended the rezoning of this area.

Mr. William Moore, attorney for the Transit Authority, spoke in favor of said rezoning.

The public hearing was closed at 3:48.

Ordinance No. 683 was then passed on its first reading.

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS DISPENSED WITH

Councilman Crouch moved that the charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Keleher, and passed with Councilman Colton voting no.

ORDINANCE NO. 683 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED

ORDINANCE 683 was unanimously passed on its second reading

WATERSHED - PULPWOOD AGREEMENT WITH GARLAND AUTRY AUTHORIZED

10. Consideration of a resolution authorizing the City Manager to enter into a contract for the sale of pulpwood on the Asheville Watershed.

Resolution No. 70-112, being "RESOLUTION APPROVING PULPWOOD SALE CONTRACT BETWEEN CITY OF ASHEVILLE AND GARLAND AUTRY", was, upon motion of Councilman Crouch, seconded by Councilman Keleher, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 539.

ASHEVILLE AIRPORT - AGREEMENT WITH TDI MIDEASTERN AIRPORTS ADVERTISING, INC.

11. Consideration of a resolution authorizing the execution of a lease agreement with TDI Mideastern Airports Advertising, Inc.

Resolution No. 70-113, being "RESOLUTION AUTHORIZING EXECUTION OF A LEASE AGREEMENT WITH TDI MIDEASTERN AIRPORTS ADVERTISING, INC.", was, upon motion of Councilman Crouch, seconded by Councilman Colton, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 540.

CITY BOARD OF ALCOHOLIC CONTROL - APPOINTMENT OF MEMBER (Fred T. Chapman)

12. Consideration of a resolution appointing a member of the City of Asheville Board of Alcoholic Control.

Resolution No. 70-114, being "RESOLUTION APPOINTING MEMBER OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL", was, upon motion of Councilman Crouch, seconded by Councilman Keleher, unanimously adopted.

PRESIDENT OF UNITED STATES VISIT - APPRECIATION

Councilman Keleher moved that the Council express appreciation to city personnel, the City Manager, and everyone involved in the work occasioned by President Nixon's visit here last Tuesday, which motion was seconded by Councilman Crouch and unanimously adopted.

MERRIMON AVENUE - TREES

Councilman Keleher discussed the widening of Merrimon Avenue and the matter of the trees not being removed and asked that this be called to the attention of the State Highway Commission again.

This request was referred to Mr. Philip Cocke, Jr., Director of Public Works.

Adjournment

W. W. Vanderbilt, Jr. V.D.
MAYOR

Margaret Lunsford
CITY CLERK

ORDINANCE NO. 684 - AN ORDINANCE ESTABLISHING A SPEED LIMIT ON AMBOY ROAD

6. Consideration of an ordinance establishing a speed limit on Amboy Road.

Ordinance No. 684, being "AN ORDINANCE ESTABLISHING A SPEED LIMIT ON AMBOY ROAD", was, upon motion of Councilman Keleher, seconded by Councilman Colton, unanimously passed on its first reading.

MODEL CITIES COMMISSION - BYLAWS - DISCUSSION

7. Consideration of a resolution approving amendments to the Bylaws governing the Model Cities Commission.

The City Manager called the attention of the Council to Section IX in which it is stated that seven members of the Commission voting in favor of a motion shall be necessary to pass a motion relating to all major policy decisions.

The Council disagrees with the principal that seven members voting in favor of a motion are necessary to pass said motion. In the same section Council was not sure of what is meant by "major policy" decisions and whether a larger majority was necessary to pass a "major policy decision" than any other routine matter.

The Council also felt that in Section XIII the reference to the election records of April 19, 1969 was not correct and reference should be made to the last prior election.

The Council directed that the Bylaws be returned to the Model Cities Commission for consideration of these matters.

LAND MANAGEMENT COMBINED UNDER DEPARTMENT OF PARKS AND RECREATION

8. Consideration of a resolution combining Land Management under the Department of Parks and Recreation.

Resolution No. 70-111, being "RESOLUTION COMBINING THE ADMINISTRATION OF THE LAND MANAGEMENT ACTIVITIES IN THE PARKS AND RECREATION ACTIVITIES IN THE CITY OF ASHEVILLE", was, upon motion of Councilman Colton, seconded by Councilman Keleher, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 538.

BIDS - CHLORINATOR

The City Manager advised that after due advertisement bids had been received for one gas fed chlorinator with differential convertor and auxiliary injector for Water Maintenance Department as follows:

Fischer & Porter Company	Wallace & Tiernan
$1,976.68	$2,578.00

The City Manager read a letter from the City of Shelby giving their experience with said companies, and also a recommendation of Asheville's consulting engineer, both of which recommended the acceptance of the bid of Wallace & Tiernan, and the City Manager concurred with the recommendation.

Councilman Crouch moved that the bid be awarded to Wallace & Tiernan for $2,578.00, which motion was seconded by Councilman Colton and unanimously adopted.

SIGN - Key Homes

5. Reading of a letter from the Director of Planning regarding the application for a building permit by Key Homes to erect a sign at 770 Patton Avenue.

The City Manager read the recommendation from the Director of Planning, and Mr. Curry spoke in favor of said sign.

Following a discussion, Councilman Atkinson moved that the building permit be granted and the sign allowed, which motion was duly seconded and unanimously adopted.

QUIT-CLAIM DEED -
MARSHALL MEREDITH
AND CHARLES G. LEE, III

6. Consideration of a resolution authorizing the Mayor and City Clerk of the City of Asheville, North Carolina to execute a quit-claim deed to Marshall Meredith and Charles G. Lee, III.

Resolution No. 70-115, being RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF ASHEVILLE, NORTH CAROLINA TO EXECUTE A QUITCLAIM DEED TO MARSHALL MEREDITH AND CHARLES G. LEE, III, was, upon motion of Councilman Anderson, seconded by Councilman Colton, unanimously adopted

Complete copy of resolution will be found in Resolution Book 5 at page 542.

VISITORS

The Mayor introduced the following visitors from Tampa:

Charles I. Jones, Administrator - Tampa Commission of Community Relations); James L. Campbell, Director of Community Relations Youth Board; Nelson Brown, President of Community Relations Youth Board; and Essie Turner, member of Community Relations Youth Board.

CLAIM FOR DAMAGES - Walter
E. Ingle

7. Consideration of a claim for damages by Mr. Walter E. Ingle for damages allegedly sustained by his car on a city street.

Upon motion of Councilman Dailey, seconded by Councilman Keleher, and unanimously adopted this claim was referred to the Corporation Counsel.

BIDS - RENOVATION AND IMPROVEMENT
OF WALTON STREET AND MALVERN HILLS
SWIMMING POOLS

8. Consideration of recommendation of Recreation Board regarding bids received October 27th for renovation and improvement of the Walton and Malvern Hills swimming pools.

The City Manager advised that after due advertisement bids had been received as follows:

Regular Meeting Thursday, October 29, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

Absent: Councilman Robert P. Crouch

1. Approval of minutes of meeting of October 22, 1970.

The minutes were approved as submitted.

CLARENCE E. MORGAN

The Council observed a moment of silence in memory of former Mayor and Councilman Clarence E. Morgan, who died October 28, 1970.

ORDINANCE NO. 682 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, AS AMENDED

2. Third reading of Ordinance 682 concerning signs which amends Ordinance #322 known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended.

Said Ordinance No. 682 was unanimously passed on its third and final reading.

ORDINANCE NO. 684 - AN ORDINANCE ESTABLISHING A SPEED LIMIT ON AMBOY ROAD

3. Second reading of Ordinance 684 establishing a speed limit on Amboy Road.

Said Ordinance #684 was unanimously passed on its second reading.

THE RESEARCH GROUP, INC. - RECOMMENDATIONS - DISCUSSION

4. Discussion of recommendations of The Research Group, Inc. as follows:

Abolish Housing Authority and Redevelopment Commission and create Department of Housing and Redevelopment.

Move Building Inspections to Department of Housing and Development

Create Advisory Board for Housing and Redevelopment.

Mr. Carl Johnson spoke against the proposal and was not in favor of making Housing a part of the city government.

Mrs. Roy Rogers spoke on relocation of displaced persons.

No action was taken by the Council other than to direct that the matter be placed on the agenda for the November 12th meeting.

PARKING - HAYWOOD ROAD - STATUS

Councilman Anderson asked about the status of the ordinance restricting parking on Haywood Road, and was advised that Mr. Dutcher, Traffic Engineer, is consulting with the State Highway Commission on this matter.

MODEL CITIES - ACTION YEAR WORK

Councilman Anderson discussed the work outlined for the First Action Year of the Model Cities, and recommended that a time table be drawn up for implementation of this work.

STUDENT COUNCIL MEETING

The Mayor called attention to a meeting of the North Carolina Student Council which will be held here this week-end.

CLAIM - SISK'S DRUG STORE - DISCUSSION

Mr. O. E. Starnes, Jr., attorney for Sisk's Drug Store, discussed a claim which his client has against the city, and asked the Council to exercise its discretion in favor of his client, and ask the Corporation Counsel to resurvey his legal position.

Following a discussion the Corporation Counsel was requested to make a report on the matter at the next meeting of the Council.

ADJOURNMENT

MAYOR

CITY CLERK

	Pressure Concrete Construction Co.	Asheville Pool & Gunite Inc.	Hobson Construction Co.	Gibson Swimming Pool Company
Malvern Hills	39,700.00	21,345.00	34,600.00	29,125.00
Walton Street	12,363.00	8,385.00	14,150.00	14,236.00
Total	52,063.00	29,730.00	48,750.00	43,361.00

The City Manager advised that the Recreation Advisory Board recommended acceptance of the low bid, in which he concurred, and the City Manager further advised that there remained a balance of $72,158.32 in the Rhododendron Park fund.

Councilman Keleher moved that the low bid of Asheville Pool & Gunite Inc. be accepted and that said money be taken from the Rhododendron Park fund, which motion was seconded by Councilman Colton and unanimously adopted.

SKY RIDE - OFFER TO SELL TO CITY

The City Manager advised that George Coggins of Westgate Corporation had written him to see if the City was interested in purchasing a Sky Ride for $12,000.00, and further that the Recreation Advisory Board had recommended that this ride not be purchased.

Councilman Keleher moved that the recommendation of the Recreation Advisory Board be accepted, which motion was seconded by Councilman Dailey and unanimously adopted.

RECOMMENDATION OF POLICE AND FIREMEN'S PENSION BOARD RE EMPLOYMENT OF CONSULTANT

The City Manager advised that several weeks ago the Pension Board was instructed to interview consultant firms, which they did last night, and at the conclusion of said interviews the Pension Board voted to recommend to the City Council that Booke & Company be retained as Pension Fund Consultants.

The City Manager suggested that he be directed to negotiate with Booke & Company a contract for the type of work they would need to do to make an analysis of the Police and Firemen's pension fund and to study alternatives as to how to establish a pension fund for the other city employees.

Councilman Anderson moved that the City Manager be instructed to proceed to draw up a contract with Booke & Company for approval of the Council, which motion was seconded by Councilman Atkinson and unanimously adopted.

PROCLAMATION - HIRE A VETERAN WEEK

The Mayor read a proclamation designating the week of November 1st to 7th as Hire a Veteran Week in Asheville.

APPRECIATION

Councilman Dailey thanked the Council, City Manager, staff and citizens who showed concern during his recent illness.

designated as the depository for Model Cities during the First Action year.

Mr. Logan Delaney, Executive Director of Asheville Model Cities, spoke briefly concerning this matter.

Following the discussion, Resolution No. 70-118, being "RESOLUTION DESIGNATING THE BANK OF ASHEVILLE AS THE DEPOSITORY FOR MODEL CITIES FUNDS DURING THE FIRST ACTION YEAR", was, upon motion of Councilman Colton, seconded by Councilman Anderson, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 445.

BOARD OF ELECTRICAL EXAMINERS
APPOINTMENT OF MEMBER (Frank
Dail...

6. Consideration of resolution appointing member of Board of Electrical Examiners.

Councilman Dailey suggested to the Board that they make an effort through the Buncombe Technical Institute to recruit some black electricians.

Following the discussion, Resolution No. 70-119, being "RESOLUTION APPOINTING MEMBER OF BOARD OF ELECTRICAL EXAMINERS", was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 446.

[illegible]
[illegible] AIRPORT

7. Consideration of a presentation by Budget Rent-A-Car regarding a proposed lease at the Asheville Airport.

The City Manager read the proposal of Budget Rent-A-Car and advised that there are legal problems regarding space available for leasing as a result of a pending lawsuit in which a general aviation company asks $200,000 in damages from the city.

Mr. Robert Robinson, attorney for Budget Rent-A-Car, spoke on the matter and said he felt the Council should not act on the proposal until he and the Corporation Counsel could get together on legal details.

Mr. Bob Hunter, owner of local National Car Rentals, objected to the proposal.

Mr. Gary Rice of Budget Rent-A-Car spoke in favor of the proposal

No action was taken by the Council.

[illegible]

The Mayor read a proclamation designating the month of November as National Retarded Children's Month

Regular Meeting [illegible] Thursday, November 5, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Mrs. Barbara C. Keleher, Webster Anderson, Ruben J. Dailey, Luke Atkinson, City Manager Phin. Horton, III, and City Clerk Margaret Simmons.

Absent: Councilman Robert P. Crouch and Corporation Counsel J. N. Golding.

1. Approval of minutes of meeting of October 29, 1970.

The minutes were approved as submitted.

ORDINANCE NO. 684 - AN ORDINANCE ESTABLISHING A SPEED LIMIT ON AMBOY ROAD

2. Third reading of Ordinance No. 684 establishing a speed limit on Amboy Road.

Said ordinance No. 684 was unanimously passed on its third and final reading.

MODEL CITIES - AGREEMENT WITH DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

3. Consideration of a resolution authorizing the Mayor of Asheville to execute an agreement with the Department of Housing and Urban Development concerning the First Action Year Program of Asheville Model Cities.

Resolution No. 70-116, being a"RESOLUTION AUTHORIZING THE MAYOR OF ASHEVILLE TO EXECUTE AN AGREEMENT WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT CONCERNING THE FIRST ACTION YEAR PROGRAM OF ASHEVILLE MODEL CITIES", was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 543.

REMOVAL OF REDEVELOPMENT COMMISSION AS OPERATING AGENCY FOR COMMUNITY RENEWAL PROGRAM PROJECT OF MODEL CITIES AND DESIGNATION OF METROPOLITAN PLANNING BOARD AS OPERATING AGENCY

4. Consideration of a resolution recommending the removal of the Redevelopment Commission as the operating agency for the Community Renewal Program Project of the Model Cities Program and the designation of the Metropolitan Planning Board as said operating agency.

Resolution No. 70-117, being "RESOLUTION FOR THE REMOVAL OF THE REDEVELOPMENT COMMISSION AS OPERATING AGENCY FOR THE COMMUNITY RENEWAL PROGRAM PROJECT OF THE MODEL CITIES PROGRAM AND THE DESIGNATION OF THE METROPOLITAN PLANNING BOARD AS SAID OPERATING AGENCY", was, upon motion of Councilman Keleher, seconded by Councilman Colton, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 544.

MODEL CITIES - BANK OF ASHEVILLE NAMED AS DEPOSITORY

5. Consideration of a resolution recommending that the Bank of Asheville be

Regular Meeting Thursday, November 12, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs Barbara C. Keleher, Webster Anderson, Rubey Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, and C ty Clerk Margaret Simmons.

Absent None

1. Approval of minutes of meeting of November 5, 1970.

The minutes were approved as submitted.

RESOLUTION CONFERRING A SUPERIOR PERFORMANCE AWARD TO J. ALFRED MILLER

2. Consideration of a resolution conferring a Superior Performance Award to Alfred Miller

Resolution No. 70-120, being a "RESOLUTION CONFERRING A SUPERIOR PERFORMANCE AWARD TO J. ALFRED MILLER", was, upon motion of Councilman Dailey, seconded by Councilman Crouch, unanimously adopted.

Complete text of resolution will be found in Resolution Book N . 5, at page 547.

Mr. Miller thanked the Council for the honor bestowed upon him.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lot [illegible], Sheet [illegible], Ward [illegible])

3. Reading of a letter from the Planning and Zoning Commission recommending that the eastern portion of Lot 609-1/4, Sheet 6, Ward 9 be rezoned from RA-6 Residential District to Neighborhood Trading Area

Councilman Anderson moved that the City Clerk advertise for a public hearing at petitioner's expense, which motion was seconded by Councilman Keleher and unanimously adopted.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION (Lot 609, Sheet 6, Ward 9)

4. Reading of a letter from the Planning and Zoning Commission recommending that the eastern portion of Lot 609, Sheet 6, Ward 9 be rezoned from RA-6 Residential District to Neighborhood Trading Area.

Councilman Dailey moved that the City Clerk advertise for a public hearing at petitioner's expense, which motion was seconded by Councilman Keleher and unanimously adopted.

ASHEVILLE SCHOOL BOARD - COMMENDED

Mayor Montgomery expressed appreciation to the Asheville School Board for building a superior educational system which was backed up by the recent decision of the Fourth Circuit of the U. S. Court of Appeals.

Councilman Dailey stated he didn't see why we should leave two schools empty with a shortage of classrooms and asked why not integrate the two schools and use them.

The Mayor advised there is a teacher shortage but no classroom shortage.

STREET LIGHTING - DISCUSSION

Councilman Keleher inquired as to whether the city has any program of street light improvement or plan for such a program.

The City Manager advised that such a program would be desirable, but was not practical financially, and that lights were installed on complaint of citizens at the present time.

CITY COUNCIL

Councilman Anderson said he had been approached by a TV man on the question of whether or not he intended to run for re-election, and said he told said man that this Council had done a tremendous job and he felt all members should run for re-election on this record of accomplishment, and that he intended to do this.

TREES - MERRIMON AVENUE

Councilman Keleher discussed again the matter of the trees along Merrimon Avenue, advising in spite of the loss of three trees the Council is still working on saving the other trees in the widening of Merrimon Avenue.

Adjournment.

W S Montgomery, MD
MAYOR

Margaret Simmons
CITY CLERK

STREET LIGHTING - REPORT

The Mayor brought up the subject of street lighting which was introduced by Councilman Keleher at the last meeting, and the Council received a report from Mr. Charles Pinkston, Superintendent of Street Lighting. Mr. Pinkston was present to answer questions of the Council, and was commended for the work accomplished.

MISS McCOY

Miss McCoy spoke against the use of computers in the Water Department and the addition of fluoride to the water supply.

PETITION - YWCA

Miss Martha Charnot and Miss Blodgett presented petitions protesting the closing of the Grove Street YWCA.

The Mayor stated the Council would accept the petition, take note of the contents, and forward same to the Board of Directors of the YWCA

[illegible]

Mr. Crydell Johnson, president of the Asheville unit of the National Association for the Advancement of Colored People, asked the Mayor if the public housing tenants would be given an opportunity to express whether they were for or against the combined board proposition, and the Mayor advised that a public hearing would be conducted on December 3rd.

Adjournment

MAYOR

CITY CLERK

ZONING ORDINANCE - RECOMMENDATION
OF PLANNING AND ZONING COMMISSION
(Lots 34-1/4 and 36, Ward 9, Sheet 6)

5. Reading of a letter from the Planning and Zoning Commission recommending that portions of Lots 34-1/4 and 36, Ward 9, Sheet 6 be rezoned from RA-6 Residential District to Neighborhood Trading Area.

Councilman Anderson moved that the City Clerk advertise for a public hearing at petitioner's expense, which motion was seconded by Councilman Atkinson and unanimously adopted.

REDEVELOPMENT COMMISSION - RESOLUTION
AUTHORIZING SALE OF TWO RESIDENTIAL LOTS

6. Consideration of a resolution authorizing the sale of two residential lots in the East Riverside Urban Renewal Area by the Asheville Redevelopment Commission.

Resolution No. 70-121, being "RESOLUTION APPROVING SALE OF CERTAIN PARCELS IN THE EAST RIVERSIDE URBAN RENEWAL PROJECT N. C. R-48", was, upon motion of Councilman Dailey, seconded by Councilman Keleher, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 548.

REDEVELOPMENT COMMISSION COMBINED
WITH HOUSING AUTHORITY

7. Discussion of the recommendation of The Research Group, Inc. concerning the abolishment of a Department of Housing and Redevelopment.

The Mayor advised that from information received from the members of the Housing Authority and from the members of the Redevelopment Commission, together with the vote of housing project tenants against making the proposed agency a part of the city government, the Council thought it best not to make said agency a part of the city government, the Council feeling that the Redevelopment Commission should be combined with the Housing Authority only.

The City Manager explained a proposed chart of organization of the Housing Authority and/or Redevelopment Commission.

Councilman Anderson said he thought the Metropolitan Planning Board should be a part of said chart of organization.

The Corporation Counsel explained the steps necessary to effect such a combined agency.

Following a discussion, Councilman Anderson moved that the Corporation Counsel prepare a resolution abolishing the Redevelopment Commission and incorporating the functions of the Redevelopment Commission within the Housing Authority, which motion was seconded by Councilman Colton.

Mrs. Virginia Holloway spoke against the merger.

Upon a vote being taken the motion was adopted with Councilman Dailey voting no.

BATTERY PARK HOTEL, HAZARDOUS CONDITION OF ROOF - REPORT OF BUILDING INSPECTOR

5. Consideration of a report from the Building Inspector to the City Manager concerning the hazardous condition of the roof of the Battery Park Hotel.

The City Manager read a memorandum and report from the Building Inspector concerning the hazardous condition of the roof of the Battery Park Hotel.

Mr Joseph Johnson, the Building Inspector, then advised that he has today received an application for a building permit and had issued a building permit for the Battery Park Hotel to repair roof in the amount of $10,000, the work on barricades to start November 23rd, and the entire roof work to be completed within sixty working days

and owner

Councilman Anderson moved that if Mr Puckett, the Manager of the Battery Park Hotel, proceeds in accordance with this schedule that the matter be dropped, and if he doesn't that the matter be reconsidered, which motion was seconded by Councilman Dailey who offered an amendment to the motion that a bill of costs incurred by the city be made up, and that Mr. Puckett pay this as a condition to discontinuing action

Mr. Frank Cole advised that he has been negotiating with Mr. Puckett to do the work and understands that Mr. Puckett has made considerable effort to secure competent people to do this work.

The City Manager advised that it would be very difficult to prepare an accurate bill of costs.

Councilman Dailey then moved that the matter be tabled, which motion failed for lack of a second.

Councilman Dailey withdrew his amendment to the motion, and the original motion was voted on and unanimously adopted.

MAYOR AUTHORIZED TO EXECUTE CONTRACT WITH REGISTER & CUMMINGS FOR ENGINEERING SERVICES

6. Consideration of bids received November 10, 1970 for utility and street improvements in Camelot Subdivision II.

The City Manager advised that these bids were not quite ready for action by the Council.

The City Manager requested the Council to authorize the employment of Register and Cummings to advertise for bids for utility improvements to serve Mountainside Project, being constructed by the Inter-Church Housing Group.

Councilman Colton moved that the City Manager be authorized to so proceed, which motion was seconded by Councilman Atkinson and unanimously adopted.

HAZEN AND SAWYER - EMPLOYED TO DO ENGINEERING STUDY OF CITY WATER SYSTEM

7. Consideration of a resolution authorizing the Mayor of Asheville to enter into an agreement with Hazen and Sawyer for a water engineering study.

Regular Meeting Thursday, November 19, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

1. Approval of minutes of meeting of December 12, 1970.

The minutes were approved as submitted.

MODEL CITIES - AGREEMENT WITH EARL M. REDWINE, SR.

2. Consideration of a resolution authorizing the Mayor of Asheville to enter into an extension agreement on behalf of the Model Cities Commission with Earl J. Redwine, Sr.

Resolution No. 70-122, being "RESOLUTION AUTHORIZING PAYMENT TO EARL M. REDWINE, SR., FOR CONSULTING SERVICES RENDERED TO THE ASHEVILLE MODEL CITIES COMMISSION", was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 549.

MODEL CITIES - AGREEMENT WITH ASHEVILLE CITY SCHOOL BOARD FOR USE OF LUCY B. HERRING ELEMENTARY SCHOOL

3. Consideration of a resolution authorizing the Mayor of Asheville to enter into a lease on behalf of the Model Cities Commission for use of the Lucy Herring School for its development as a neighborhood center.

Resolution No. 70-123, being "RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO ENTER INTO A LEASE AGREEMENT WITH THE ASHEVILLE CITY SCHOOL BOARD FOR THE USE OF THE LUCY B. HERRING ELEMENTARY SCHOOL BY THE MODEL CITIES AGENCY AS A MULTI-PURPOSE CENTER", was, upon motion of Councilman Anderson, seconded by Councilman Barbara C. Keleher, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 550.

ORDINANCE NO. 685 - AN ORDINANCE ESTABLISHING ELECTRICAL INSTALLATION STANDARDS

4. Consideration of an ordinance establishing electrical installation standards.

Ordinance No. 685, being "AN ORDINANCE ESTABLISHING ELECTRICAL INSTALLATION STANDARDS", was, upon motion of Councilman Colton seconded by Councilman Dailey, unanimously passed on its first reading.

Councilman Dailey urged the Board of Electrical Examiners to recruit black workers to go to Buncombe Tech to learn to be electricians.

SIGN TACKING - ORDINANCE PROHIBITING SUGGESTED

Mr. Wayne Kinser of the Asheville Rotary Club presented a request that the Council consider passage of an ordinance prohibiting the tacking or in any way attaching signs, political or advertising, by any and all persons or organizations on utility poles, fences or public buildings, or posting a bond that would assure removal of signs within a reasonable time after the date of the event. It was also suggested that a Posting Board might be constructed at strategic locations throughout the city to allow for the posting of signs and notices of a political nature as well as county wide events.

It was also suggested that City Council have made a study and put into effect long range plans to place under ground all public utilities.

The Mayor suggested that the City Manager obtain material as to what other cities are doing in this regard.

KEEP ASHEVILLE BEAUTIFUL COMMITTEE - REQUEST TO STATE HIGHWAY COMMISSION TO COMPLETE LANDSCAPE PLANTINGS ON EXPRESSWAY

Councilman Keleher presented a request on behalf of the Keep Asheville Beautiful Committee that the State Highway Commission complete the landscape plantings along the Asheville Crosstown Expressway from the Hill Street pedestrian overpass west to the new bridge, including the interchange north onto the Weaverville Bypass, and from the Charlotte Street overpass east to the Tunnel; and said Committee also recommends that plans be prepared for the general beautification and landscape planting of the new I-40 - I-26 interchange and I-26 south toward Hendersonville.

Councilman Keleher moved that the Council go on record as supporting the request of the Keep Asheville Beautiful Committee, which motion was seconded by Councilman Anderson and unanimously adopted

COUNCIL MEETING - THURSDAY, 1970

Councilman Anderson moved that this meeting be adjourned until 3:00 o'clock on December 3, 1970, which motion was seconded by Councilman Dailey and unanimously adopted.

Adjournment

MAYOR

CITY CLERK

Resolution No. 70-124, being "RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH HAZEN AND SAWYER, CONSULTING ENGINEERS, FOR CONSULTANT WORK", was, upon motion of Anderson, seconded by Councilman Colton, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 551.

ASHEVILLE AIRPORT - RESOLUTION RESTRICTING NUMBER OF CAR RENTAL FRANCHISES

8. Consideration of a resolution restricting the number of car rental franchises at the Asheville Airport.

The City Manager read the resolution and also a memorandum from Gary Taylor, Manager of the Airport.

Mr. Gary Rice, Manager of Budget Rent-A-Car, spoke in favor of his application for space in the Terminal Building.

Mr. Bob Hunter, owner of National Car Rental, spoke against leasing space to Budget Rent-A-Car.

Following a discussion a vote was taken on Resolution No. 70-125, being "RESOLUTION RESTRICTING THE NUMBER OF CAR RENTAL FRANCHISES AT THE ASHEVILLE MUNICIPAL AIRPORT", which was moved by Councilman Atkinson, seconded by Councilman Keleher, and said resolution was adopted by a vote of four to three with Councilmen Keleher, Anderson, Atkinson and Mayor Montgomery voting in favor of the resolution, and Councilmen Colton, Crouch and Dailey voting against the resolution.

PROCLAMATION - BIBLE WEEK

The Mayor read a proclamation designating the week of November 22nd through 29th as Bible Week in the City of Asheville.

STATE HIGHWAY COMMISSION - ENTRANCE AND EXIT RAMPS FOR NEW WEST ASHEVILLE BRIDGE REQUESTED

Mr. Peter Mallett presented a petition urging the State Highway Commission to design entrance and exit ramps for the New West Asheville Bridge so as to unblock traffic jams on Riverside Drive caused by frequent railroad train operations.

The City Manager stated if the Council wished to take a position in this matter, it should direct the Corporation Counsel to prepare a resolution.

Following a discussion, Councilman Anderson moved that the Corporation Counsel be so instructed, which motion was seconded by Councilman Crouch and unanimously adopted.

Councilman Crouch then moved that the City Manager write to the State Highway Commission setting forth the Council's position until said resolution could be prepared, which motion was seconded by Councilman Anderson and unanimously adopted.

ORDINANCE NO. 681 - AN ORDINANCE RESTRICTING PARKING ON HAYWOOD ROAD

4. Second reading of an ordinance restricting parking on Haywood Road.

The City Manager read a communication from the State Highway Commission regarding parking on Haywood Road.

Mr. Albert Fortune, representing the West Asheville Business Association, spoke against the ordinance, and read a resolution of said organization requesting a new traffic study and that left turns be provided at two branch banks, that turns into Louisiana Avenue by westbound cars be prohibited, and that a large sign be erected directing traffic into Majestic Avenue.

Following a discussion Councilman Atkinson moved that the ordinance be tabled until a reply has been received from the State Highway Commission regarding the proposal of the West Asheville Business Association, which motion was seconded by Councilman Dailey and adopted with Councilman Crouch and Mayor Montgomery voting no.

[illegible]

5. Second reading of an ordinance establishing electrical installation standards.

Said ordinance No. 683 was unanimously passed on its second reading.

[illegible]

6. Consideration of a resolution encouraging George P. Shultz, Director, Office of Management and Budget, Washington, D. C., to urge the construction of a retention dam on Swannanoa River.

The City Manager read a communication from the planning staff recommending the passage of said resolution.

Resolution No. 70-127, being "RESOLUTION ENCOURAGING GEORGE P. SHULTZ, DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, D. C., TO URGE THE CONSTRUCTION OF A RETENTION DAM ON THE SWANNANOA RIVER", was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 554.

[illegible]

7. Consideration of a petition submitted by the Imperial Land Corporation requesting the annexation of three adjoining tracts on Caribou Road.

Councilman Anderson moved that this request be referred to the Metropolitan Planning Board for study and recommendation, that a public hearing be advertised at petitioner's expense, and that the request that the property be zoned RA-5 Residential District be referred to the Planning and Zoning Commission, which motion was seconded by Councilman Keleher and unanimously adopted.

Regular Meeting Thursday, December 3, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

Absent: Councilman Henry E. Colton

1. Approval of minutes of meeting of November 19, 1970.

The minutes were approved as submitted.

ORDINANCE NO. 686 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED

2. Public hearing to consider an ordinance rezoning portions of three lots on Merrimon Avenue from RA-6 Residential District to Neighborhood Trading Area.

The Mayor opened the public hearing at 3:07.

The City Manager read the affidavit of publication and the recommendation of the Planning and Zoning Commission.

There was no objection, and the Mayor closed the public hearing at 3:10.

Ordinance No. 686, being "AN ORDINANCE AMENDING ORDINANCE #322, known as 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Keleher, seconded by Councilman Crouch, unanimously passed on its first reading.

URBAN REDEVELOPMENT COMMISSION ABOLISHED AND ASHEVILLE HOUSING AUTHORITY ASSUMES POWERS, DUTIES, AND RESPONSIBILITIES OF URBAN REDEVELOPMENT COMMISSION

3. Public hearing to consider a resolution abolishing the Urban Redevelopment Commission of the City of Asheville and designating the Asheville Housing Authority to exercise the powers, duties and responsibilities of an Urban Redevelopment Commission.

The Mayor opened the public hearing at 3:10.

The City Manager read the affidavit of publication.

There was no objection, and the Mayor closed the public hearing at 3.15.

Following a discussion Resolution No. 70-126, being "RESOLUTION ABOLISHING THE URBAN REDEVELOPMENT COMMISSION OF THE CITY OF ASHEVILLE AND DESIGNATING THE ASHEVILLE HOUSING AUTHORITY TO EXERCISE THE POWERS, DUTIES AND RESPONSIBILITIES OF A REDEVELOPMENT COMMISSION", was, upon motion of Councilman Anderson, seconded by Councilman Crouch, adopted with Councilmen Dailey and Atkinson voting no.

Complete text of resolution will be found in Resolution Book #5 at page 553.

ZONING ORDINANCE - GROUP DEVELOPMENTS - AMENDMENTS PROPOSED

11. Discussion of proposed amendments to the Asheville Zoning Ordinance regarding the approval of group developments.

The City Manager advised that the Corporation Counsel had prepared an ordinance setting forth the amendments, and Councilman Crouch moved that this ordinance be referred to the Planning and Zoning Commission for study and recommendation, which motion was seconded by Councilman Keleher, and unanimously adopted

SMOKE PROBLEM - SOFT COAL - DISCUSSION

Councilman Anderson brought up the matter of the smoke problem in the city, and suggested that the use of soft coal be prohibited.

The City Manager was instructed to investigate with the Western North Carolina Regional Air Pollution Board the feasibility of restricting the use of soft coal in the city

BEAUCATCHER TUNNEL - THREE LANES

Councilman Anderson inquired what had become of the proposal to three lane Beaucatcher Tunnel, and was advised by the City Manager that the State Highway Commission has the matter under consideration.

UTILITIES - UNDER GROUND

The City Manager recalled that he had been requested to investigate the feasibility of putting utilities underground, and advised that he had requested the Metropolitan Planning Board to make a report to the Council on this matter.

Adjournment

MAYOR

CITY CLERK

STATE HIGHWAY COMMISSION - REQUESTED TO PROVIDE ACCESS RAMPS TO AND FROM PROPOSED NEW WEST ASHEVILLE BRIDGE

8. Consideration of a resolution requesting consideration of the State Highway Commission to provide access ramps to and from the proposed new West Asheville Bridge.

Resolution No. 70-128, being "RESOLUTION REQUESTING CONSIDERATION OF THE STATE HIGHWAY COMMISSION TO PROVIDE ACCESS RAMPS TO AND FROM THE PROPOSED NEW WEST ASHEVILLE BRIDGE", was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 555.

CAMELOT SUBDIVISION II, BIDS AND RESOLUTION AUTHORIZING EXECUTION OF CONTRACT FOR IMPROVEMENTS

9. Consideration of bids received November 10, 1970, for utility and street improvements in Camelot Subdivision II, and consideration of a resolution authorizing execution of a contract for said improvements.

Resolution No. 70-129, being "RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE A CONTRACT WITH THE IMPERIAL LAND CORPORATION AND THE CAMERON-BROWN COMPANY FOR THE DEVELOPMENT OF SECTION 2 OF THE CAMELOT SUBDIVISION AND AUTHORIZING THE MAYOR TO ACCEPT THE LOW BID SUBMITTED BY HOBSON CONSTRUCTION COMPANY, CONTINGENT UPON THE EXECUTION OF THE IMPERIAL LAND CORPORATION CONTRACT", was, upon motion of Councilman Crouch, seconded by Councilman Keleher, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 556.

MODEL CITIES - AMENDMENT TO BUDGET - TEACHER AIDE PROJECT

10. Consideration of a resolution authorizing an amendment to the budget of the Model Cities Teacher Aide Project, and consideration of a resolution authorizing execution of a contract with the Asheville City School System for said Teacher Aide Project.

Resolution No. 70-130, being "RESOLUTION GRANTING APPROVAL OF THE REVISED BUDGET FOR THE TEACHER AIDE PROJECT OF THE MODEL CITIES PROGRAM", was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 557.

MODEL CITIES - AGREEMENT WITH ASHEVILLE CITY SCHOOLS INVOLVING TEACHER AIDE-EXTENSION OF CAREER OPPORTUNITIES PROGRAM.

Resolution No. 131, being "RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR MODEL CITY DEMONSTRATION PROGRAM PROJECT WITH THE ASHEVILLE CITY SCHOOLS INVOLVING THE TEACHER AIDE-EXTENSION OF CAREER OPPORTUNITIES PROGRAM", was, upon motion of Councilman Atkinson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 558.

Councilman Anderson moved this resolution be returned to the Model Cities Commission with the request that they reconsider the length of the contract and make it for possibly a month, and use that month to evaluate Mr. Redwine's capabilities, which motion was seconded by Councilman Crouch, and adopted with Councilman Dailey voting no.

The City Manager stated that he and Councilman Anderson had discussed the Model Cities program, and agreed that it was necessary to urge the Model Cities Commission to hire a professional management firm to set up a timetable of work flow and that there was needed a work flow chart that would give a schedule of starts and projected completion date of each project, and a running account of funds spent on various projects.

MODEL CITIES - AGREEMENT WITH ASHEVILLE CITY SCHOOLS

7. Consideration of a resolution authorizing execution of a contract with the Asheville City School System for the Model Cities Teacher Aide Project for the remainder of the 1970-71 school year.

Resolution No1 70-132, being "RESOLUTION AUTHORIZING THE EXECUTION OF CO-OPERATION AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE ASHEVILLE CITY SCHOOLS", was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 page 559.

ASHEVILLE TRANSIT AUTHORITY - APPOINTMENT OF MEMBER (William M. Hendon.

8. Consideration of a resolution appointing a member of the Asheville Transit Authority.

Resolution No. 70-133, being "RESOLUTION APPOINTING MEMBER OF ASHEVILLE TRANSIT AUTHORITY", was, upon motion of Councilman Keleher, seconded by Councilman Anderson, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 page 560.

ASHEVILLE TRANSIT AUTHORITY - APPOINTMENT OF MEMBER (Allen H. Patterson

9. Consideration of a resolution appointing a member of the Asheville Transit Authority.

Resolution No. 70-134 , being "RESOLUTION APPOINTING MEMBER OF ASHEVILLE TRANSIT AUTHORITY", was, upon motion of Councilman Colton, seconded by Councilman Atkinson, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 page 561.

CLAY STREET CHANGED TO FRANKLIN PARK PLACE

10. Consideration of a resolution changing the name of Clay Street to Franklin Park Place.

Regular Meeting Thursday, December 10, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

Absent: None

1. Approval of minutes of meeting of December 3, 1970.

The minutes were approved as submitted.

ORDINANCE NO. 686 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED

2. Second reading of ordinance amending Ordinance No. 322 for the rezoning of three lots on Merrimon Avenue.

Said Ordinance No. 686 was unanimously passed on its second reading.

ORDINANCE NO. 685 - AN ORDINANCE ESTABLISHING ELECTRICAL INSTALLATION STANDARDS

3. Third reading of an ordinance establishing electrical installation standards.

Said Ordinance No. 685 was unanimously passed on its third and final reading.

MODEL CITIES - STATUS REPORT

4. Presentation of a status report by the Asheville Model Cities Agency concerning amendments and revisions to the projects of the Model Cities First Action Year Program.

Mr. Logan Delaney, Executive Director of the Model Cities Commission, presented a status report concerning amendments and revisions to the projects of the Model Cities First Action Year Program, and answered questions of Council members regarding same.

MODEL CITIES - RESOLUTION FOR AMENDMENTS TO COMPREHENSIVE CITY DEMONSTRATION PROGRAM

5. Consideration of a resolution amending certain projects and project budgets of the Model Cities Agency, as approved by the Model Cities Commission.

Councilman Crouch moved that action on this resolution be postponed for one week, which motion was seconded by Councilman Keleher and unanimously adopted.

MODEL CITIES - CONTRACT WITH EARL REDWINE, SR., FOR CONSULTING SERVICES

6. Consideration of a resolution authorizing the execution of a contract with Earl Redwine, Sr., for consulting services, as approved by the Model Cities Commission.

ORDINANCE NO. 687 - AN ORDINANCE AMENDING ORDINANCE 584, DESIGNATED AS SECTIONS 28-154 THROUGH 158 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

Ordinance No. 687, being "AN ORDINANCE AMENDING ORDINANCE 584, DESIGNATED AS SECTIONS 28-154 THROUGH 158 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE", was introduced by Councilman Anderson, and seconded by Councilman Crouch.

Following a discussion, Councilman Atkinson moved that the city do away with the $1.00 city tax on automobiles, which motion was seconded by Councilman Dailey, and said motion was defeated, with Councilmen Colton, Crouch, Keleher, Anderson and Mayor Montgomery voting against the motion and Councilmen Atkinson and Dailey voting for the motion.

Upon a vote being taken on the ordinance it was adopted on its first reading with Councilmen Colton, Crouch, Keleher, Anderson and Mayor Montgomery voting in favor of the ordinance, and Councilmen Atkinson and Dailey voting against the ordinance.

BUDGET RENT-A-CAR - NEW PROPOSAL

Mr. Bob Robinson, attorney for Budget Rent-A-Car, made a new proposal to return a flat 10 per cent of all receipts to the city.

Following a discussion, Councilman Dailey moved that this matter be put on the agenda for next week, which motion was seconded by Councilman Crouch. Upon a vote being taken the motion passed with Councilmen Colton, Crouch, Dailey, and Anderson voting aye, and Councimen Keleher, Atkinson and Mayor Montgomery voting no.

STREET LIGHT - CORNER OF NEW STREET AND CARROLL AVENUE

Councilman Atkinson said he had received a request for a street light to be placed at the intersection of Carroll Avenue and New Street.

GROCERY STORE - CHERRY AND CUMBERLAND

Councilman Atkinson requested information as to why a grocery formerly operated at the corner of Cherry and Cumberland was not allowed to re-open said store at this location after having been closed for a number of months.

Mr. Johnson, the Building Inspector, advised that the re-opening of said grocery store would make it a non-conforming use.

NOISE - ORDINANCE

Councilman Keleher discussed noise pollution, and advised that the Corporation Counsel had drawn up an ordinance relating to said matter, and requested that said ordinance be put on the agenda for next week.

Resolution No. 70-135, being "RESOLUTION CHANGING THE NAME OF CLAY STREET TO FRANKLIN PARK PLACE", was, upon motion of Councilman Atkinson, seconded by Councilman Anderson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 562.

STATE HIGHWAY COMMISSION - AGREEMENT

11. Consideration of a resolution authorizing the City of Asheville to execute an agreement with the North Carolina State Highway Commission which would allow the City of Asheville to use a portion of the right-of-way near the Hanover Interchange for public parking.

Resolution No. 70-136, being "RESOLUTION AUTHORIZING MAYOR TO EXECUTE SUPPLEMENTAL MUNICIPAL AGREEMENT WITH STATE HIGHWAY COMMISSION RELATING TO ENCROACHMENTS UPON THE RIGHT OF WAY FOR HANOVER STREET EXPRESSWAY (NC 191), was, upon motion of Councilman Dailey, seconded by Councilman Colton, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 563.

PETITION - MR. AND MRS. GARLAND JONES - REQUESTING RELIEF FROM A PAVING ASSESSMENT LIEN

12. Consideration of a petition from Mr. and Mrs. Garland Jones requesting that the Asheville City Council grant the petitioners relief from a paving assessment lien.

The City Manager read the petition, and the Corporation Counsel stated he presumed the petitioners had a warranty deed for the property, and their recourse would be to go against person from whom they obtained the warranty deed.

Mr. John Tipton, realtor for the petitioners, spoke in their behalf.

Following a discussion, Councilman Colton moved that the petition be denied, which motion was seconded by Councilman Dailey and adopted with Councilman Atkinson voting no.

BIDS - 18 POLICE CARS and 2 FOUR DOOR SEDANS

13. Consideration of bids received on December 7th for eighteen police cars and two passenger cars to be used by the Street Department and the Water Maintenance Department.

The City Manager advised that after due advertisement the following bids had been received:

	Matthews Motors	Parkland Chevrolet	Dorato Motors	Glover Motors
18 police cars	$38,143.42	$38,820.13	$40,499.83	$29,782.18
2 4 door sedans	$5,829.90	$5,919.74	$6,211.94	$6,130.26

and recommended that the low bid of Glover Motors for the 18 police cars in the amount of $29,782.18 be accepted, and the low bid of Matthews Motors for two four door sedans in the amount of $5,829.90 be accepted.

Councilman Crouch moved that the low bids be accepted, which motion was seconded by Councilman Dailey and unanimously adopted.

Regular Meeting Thursday, December 17, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, City Clerk Margaret Simmons.

Absent: Councilman Robert P. Crouch.

1. Approval of minutes of meeting of December 10, 1970.

The minutes were approved as submitted.

ORDINANCE NO. 686 - AN ORDINANCE AMENDING ORDINANCE #512, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

Ordinance No. 686 was unanimously passed on its third and final reading.

ORDINANCE NO. 687 - AN ORDINANCE AMENDING ORDINANCE 584, DESIGNATED AS SECTIONS 28-154 THROUGH 158 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

Councilman Atkinson moved that the $1.00 sticker fee be discontinued, which motion was seconded by Councilman Dailey. Upon a vote being taken the motion was defeated by a vote of four to two with Councilmen Colton, Keleher, Anderson and Mayor Montgomery voting against the motion and Councilmen Atkinson and Dailey voting for the motion.

Ordinance #687 was then passed on its second reading with Councilmen Colton, Keleher, Anderson and Mayor Montgomery voting in favor of the ordinance, and Councilmen Atkinson and Dailey voting against the ordinance.

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS DISPENSED WITH

Councilman Anderson then moved that the requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Keleher, and passed with Councilmen Keleher, Anderson, Dailey and Mayor Montgomery voting in favor of the motion and Councilmen Colton and Atkinson voting against the motion.

ORDINANCE NO. 687 - AN ORDINANCE AMENDING ORDINANCE 584, DESIGNATED AS SECTIONS 28-154 THROUGH 158 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

Ordinance No. 687 was then passed on its third and final reading with Councilmen Colton, Keleher, Anderson and Mayor Montgomery voting in favor of the ordinance, and Councilmen Dailey and Atkinson voting against the ordinance.

RESEARCH GROUP - RECOMMENDATIONS
TO BE PLACED ON AGENDA NEXT WEEK

Councilman Anderson requested that the following items from the summary of recommendations of the Research Group be placed on the agenda for next week:

A. Create Continuing Committee on Workable Program.

B. Create Grant Application Review Board

C. Create Capital Improvements Committee

D. Memorandum of understanding between Parks & Recreation Department and Metropolitan Planning Board

Addendum 1. Develop an adequate personnel system for the City of Asheville.

Addendum 2. Prepare for the conversion of the staff of the Department of Housing and Redevelopment to Civil Service.

Action by Purchasing Department:

1. All purchasing related to public housing and redevelopment should be channeled through the City's Purchasing Agent in accordance with the Purchasing Procedures Manual.

2. Effort should be made to provide a centralized storeroom for disbursement of all supplies common to all city departments.

3. The Purchasing Agent should also begin such activities as cost comparability studies on questions such as vehicle purchasing, equipment repair, and replacement and other such things to increase cost savings.

Adjournment

MAYOR

CITY CLERK

(16) Conducting a motor vehicle contest of any sort, with vehicles of 2, 4 or more wheels, on public or private property, in which the power of the engine or speed of the vehicle is increased by exhausting burned gases directly to the atmosphere or through an inadequate muffling device.

Councilman Colton suggested that the Council wait a week before considering amendment, and the Corporation Counsel was requested to research this matter and report to the Council.

Mr. Harry Dumont, representing some 500 people in West Asheville, made a complaint about whistle blowing of Southern Railway trains in that area. Also speaking on this subject was Mrs. Syble Hamilton.

Mr. Francis Coyle, a delegate from the Montford Hills Community Club, supported the ordinance.

Mr. E. R. McCarthy spoke about the noise at the race track on Amboy Road.

Following the discussion, Ordinance No. 688, being "ORDINANCE AMENDING SECTION 18-12 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE", was, upon motion of Councilman Keleher, seconded by Councilman Colton, unanimously passed on its first reading.

ASHEVILLE AIRPORT - PROPOSAL OF BUDGET RENT-A-CAR

9. Further discussion of a proposal of Budget Rent-A-Car for space at the Asheville Airport.

Mr. Bob Robinson presented proposal of Budget Rent-A-Car to pay 10% across the board and asked the Council to reconsider its prior action which limited the number of car companies to three. Mr. Gary Rice of Budget Rent-A-Car answered questions of Council members.

The City Attorney stated the Federal Aviation Administration has raised objections to the use of the airport for non-aeronautical facilities, and further that under existing laws leases with the City must be advertised and a performance bond given.

There was no action on the part of the Council, so the resolution will stand.

BUILDING INSPECTOR'S REPORT ON PROPERTY OF ROBERT P. TUCKER (F. B. SHORT, MORTGAGEE) AT 118 State Street)

10. Consideration of a report from the Chief of Building Inspections regarding property of Robert P. Tucker (F. B. Short, Mortgagee) at 118 State Street.

The City Manager read the report from the Chief of Building Inspections, and advised that same had been served on Robert P. Tucker and F. B. Short, Mortgagee, and no action has been taken by them.

The City Manager advised that the Council is to determine whether the building should be demolished and the expense thereof levied as a lien against the land, or whether a warrant should be sworn out against the owner and mortgagee for failure to act.

MODEL CITIES - AMENDMENTS TO COMPREHENSIVE CITY DEMONSTRATION PROGRAM

4. Consideration of a resolution for amendments to the comprehensive City Demonstration program.

Resolution #70-137, being "RESOLUTION FOR AMENDMENTS TO THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM", was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously passed.

Complete copy of resolution will be found in Resolution Book 5 at page 564.

Mrs. Roy Rogers discussed public housing.

SINKING FUND COMMISSION FOR BUNCOMBE COUNTY (Appointment of member, Karl H. Straus)

5. Resolution reappointing Karl H. Straus as Commissioner Number Four of the Sinking Fund Commission for Buncombe County.

Resolution No. 70-138, being "RESOLUTION REAPPOINTING KARL H. STRAUS AS COMMISSIONER NUMBER FOUR OF THE SINKING FUND COMMISSION FOR BUNCOMBE COUNTY", was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 565.

METROPOLITAN SEWERAGE DISTRICT BOARD - APPOINTMENT OF MEMBER (George E. Dawson)

6. Resolution appointing member of the Metropolitan Sewerage District Board.

Resolution No. 70-139, being "RESOLUTION APPOINTING MEMBER OF THE METROPOLITAN SEWERAGE DISTRICT BOARD", was, upon motion of Councilman Anderson, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 566.

BOARD OF TRUSTEES OF FIREMEN'S RELIEF FUND - APPOINTMENT OF MEMBER (Floyd W. Hancock)

7. Resolution appointing member of Board of Trustees of the Firemen's Relief Fund.

Resolution #70-140, being "RESOLUTION APPOINTING MEMBER OF BOARD OF TRUSTEES OF THE FIREMEN'S RELIEF FUND", was, upon motion of Councilman Keleher, seconded by Councilman Atkinson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 567.

ORDINANCE NO. 688 - ORDINANCE AMENDING SECTION 18-12 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

8. Consideration of an ordinance prohibiting noise in the City of Asheville.

Councilman Anderson proposed an amendment to Ordinance No. 687 as follows:

Tubes for Passenger Tires	Hughes Tire Distributors	$277.15
Truck Tubes	Firestone	$1,087.16
Motorcycle tubes	Sultan of Tires	$7.16
Retread Passenger Tires	Coleman Tire Co.	$67.60
Retread Passenger Tires Mud & Snow	Coleman Tire Co.	$945.36
Retread truck tires	Coleman Tire Co.	$593.84
Retread Truck tires Mud & Snow	Coleman Tire Co.	$2,186.08

Councilman Colton moved that the above low bids be approved, which motion was seconded by Councilman Atkinson and unanimously adopted.

STATE HIGHWAY COMMISSION - AGREEMENT INVOLVING SANITARY SEWER LINE ON RIVERSIDE DRIVE

Resolution No. 70-142, being "RESOLUTION AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL MUNICIPAL AGREEMENT INVOLVING A SANITARY SEWER LINE ON RIVERSIDE DRIVE WITH THE STATE HIGHWAY COMMISSION", was, upon motion of Councilman Colton, seconded by Councilman Keleher, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 568.

RESEARCH RECOMMENDATIONS

15. Discussion of recommedations of the Research Group.

A. Create Continuing Committee on Workable Program

The City Manager advised that he did not recommend creating a continuing Committee on Workable Program at this time

B. Create Grant Application Review Board

The City Manager advised that he did not recommend creating a Grant Application Review Board at this time.

C. Create Capital Improvements Committee

The City Manager recommended that the Council consider a resolution to be drawn by the Corporation Counsel establishing a Capital Improvements Committee to be composed of the City Manager, Executive Director - Planning, Director of Finance, and Director of Public Works.

Councilman Anderson so moved, which motion was seconded by Councilman Atkinson and unanimously adopted.

D. Memo of understanding between Parks & Recreation Department and Metropolitan Planning Board.

The City Manager suggested that the Council consider a motion to request the Parks and Recreation Department and Metropolitan Planning Board to work together for a memorandum of understanding regarding over-lapping of activities.

Motion was so made by Councilman Kelleher and seconded by Councilman Anderson and unanimously adopted.

Mr. E. F. Pinner spoke in favor of demolishing said building.

Following a discussion, Councilman Colton moved that the Council concur with the findings of fact and order of the Chief of Building Inspections, and that warrants be drawn indicting the owner and mortgagee for failure to comply with the lawful order of the Chief of Building Inspections, which motion was seconded by Councilman Atkinson and unanimously adopted.

ASHEVILLE AREA COUNCIL ON EMPLOYMENT - RESOLUTION RECOGNIZING AS ORGANIZATION TO COORDINATE EMPLOYMENT AND EMPLOYMENT RELATED SERVICES

11. Consideration of a resolution recognizing the Asheville Area Council on Employment as the organization to coordinate employment and employment related services.

Resolution No. 70-141, being "RESOLUTION RECOGNIZING THE ASHEVILLE AREA COUNCIL ON EMPLOYMENT AS THE ORGANIZATION TO COORDINATE EMPLOYMENT AND EMPLOYMENT RELATED SERVICES", was introduced by Councilman Anderson, and seconded by Councilman Dailey.

Following a discussion, Councilman Colton moved that this resolution be tabled, which motion was seconded by Councilman Atkinson, and upon a vote being taken there were three votes for the motion and three votes against the motion, so the motion was defeated.

A vote was then taken on the resolution and there were three votes for the resolution, Councilmen Anderson, Dailey and Mayor Montgomery, and three votes against the resolution, Councilmen Colton, Keleher, and Atkinson. Failing a majority no action is recorded by the Council.

PLANNING AND ZONING COMMISSION - RECOMMENDATION RE GROUP DEVELOPMENT AMENDMENT

12. Consideration of a recommendation of the Asheville Planning and Zoning Commission concerning revisions to the Zoning Ordinance regarding Public Housing Developments.

The recommendation was read by the City Manager, who advised it is necessary to hold a public hearing on the matter.

Councilman Dailey moved that the City Clerk advertise for a public hearing on this matter, which motion was seconded by Councilman Keleher and unanimously adopted.

BIDS - TIRES AND RECAPPING

13. Consideration of bids received December 15, 1970 on annual supply contract for vehicular tires for the City of Asheville.

The City Manager advised that after due advertisement bids were received, and the low bids were as follows:

Passenger tires	Firestone	$7,957.32
Passenger tires (Mud & Snow)	Hughes Tire Distributors	$1,941.53
Truck Tires	Hughes Tire Distributors	$6,776.93
Truck Tires (Mud & Snow)	Firestone	$13,204.88
Motorcycle Tires	Sultan of Tires	$ 103.36

The City Manager suggested that this request be referred to the Chief of Building Inspections, the Fire Prevention Bureau and the Chief of the Fire Department for recommendation for consideration at the next meeting of the Council.

CHAMBER OF COMMERCE - BASEBALL TICKETS

A member of the Chamber of Commerce urged support of ticket sales to keep baseball in the City.

Councilman Anderson moved that this meeting be adjourned until 3:00 o'clock P. M., on December 31st, which motion was seconded by Councilman Keleher and unanimously adopted.

MAYOR

CITY CLERK

[redacted]

1. Develop an adequate personnel system for the City of Asheville, including a Personnel Director, a position plan, and a pay plan. Prepare a comprehensive personnel manual which would correlate the personnel policies of the city with the Department of Housing and Redevelopment. Other activities of the Civil Service Commission should include development of adequate job descriptions, development and documentation of adequate management policies and procedures, a recruitment and selection system, up-to-date pay plans and an accurate employee record system. Long-range efforts should include an employee training and development program.

The City Manager advised that in view of the financial position of the city he would not recommend employment of a Personnel Director at this time.

Councilman Atkinson moved that this matter be left with the City Manager, and if necessary be brought back to the Council later on, which motion was seconded by Councilman Colton, and adopted with Councilman Anderson voting no.

2. Prepare for the conversion of the staff of the Department of Housing and Redevelopment to Civil Service.

The City Manager advised that this is not applicable now

Action by Purchasing Department:

1. All purchasing related to public housing and redevelopment should be channeled through the City's Purchasing Agent in accordance with the Purchasing Procedures Manual.

The City Manager advised that this is not applicable now.

2. Effort should be made to provide a centralized storeroom for disbursement of all supplies common to all city departments.

The City Manager advised that the Purchasing Department is being moved to the first floor into a financial complex, but to provide a centralized storeroom would require structural changes and construction of said storeroom which will have to wait until budget time.

3. The Purchasing Agent should also begin such activities as cost comparability studies on questions such as vehicle purchasing, equipment repair, and replacement and other things to increase cost savings.

The City Manager advised that this is already under way.

PROCLAMATION - AFRAM DAY

The Mayor proclaimed Saturday, December 19th, as AFRAM DAY.

FIRE DISTRICT - REQUEST FOR CHANGE, BILTMORE

Mr. Robert Gray advised the owners of Lots 76, 77, 78, 80, 81, 82 and 84 and 92, Sheet 2, Ward 7 request that this property be changed from a No. 5 Fire District to a Number 2 Fire District according to Chapter 8, Article 1, Section 8-5.

The City Manager read a recommendation from Chief Ball, Chief Dalton and J. E. Johnson that seven structures and one existing business building be deleted from Fire District #5.

Said Ordinance No. 689, being "AN ORDINANCE ESTABLISHING FIRE LIMITS", was, upon motion of Councilman Dailey, seconded by Councilman Anderson, unanimously passed on its first reading.

REDEVELOPMENT COMMISSION OF THE CITY OF ASHEVILLE - APPOINTMENT OF MEMBER (Mrs. Earl Shook)

4. Consideration of a resolution appointing a member to the Asheville Urban Redevelopment Commission.

Resolution No. 70-143, being "RESOLUTION APPOINTING MEMBER OF THE REDEVELOPMENT COMMISSION OF THE CITY OF ASHEVILLE", WAS, UPON MOtion of Councilman Keleher, seconded by CouncilmanCrouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 569.

The Mayor then announced that it was the will of the Council that the Housing Authority which will come into being April 1st shall consist of the following: Jack Stewart, Robert S. Webb, Jr., Luther B. Thigpen, Jesse Ray, and Mrs. Earl Shook.

ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL - APPOINTMENT OF MEMBER (Robert N. Dailey)

5. Consideration of a resolution appointing a member to the Asheville-Buncombe County Youth Council.

Resolution No. 70-144, "RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL", was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 570.

LEASE - NORTH CAROLINA DEPARTMENT OF JUSTICE POLICE INFORMATION NETWORK

6. Consideration of a resolution authorizing the execution of a lease contract with the North Carolina Department of Justice Police Information Network.

Resolution No. 70-145, being "RESOLUTION AUTHORIZING EXECUTION OF LEASE CONTRACT WITH THE NORTH CAROLINA DEPARTMENT OF JUSTICE POLICE INFORMATION NETWORK", was, upon motion of Councilman Atkinson, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 571.

LEASE - AIR TERMINAL PARKING COMPANY

7. Consideration of a resolution authorizing execution of a lease agreement with the Air Terminal Parking Company for the parking concession at the Asheville Airport.

Resolution No. 7--146, being "RESOLUTION AUTHORIZING EXECUTION OF A LEASE

Regular Meeting Thursday, December 31, 1970 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson; City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

Absent: None

1. Approval of minutes of meeting of December 17, 1970.

The minutes were approved as submitted.

ORDINANCE NO. 688 - ORDINANCE AMENDING SECTION 18-12 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

2. Second reading of Ordinance No. 688, an ordinance prohibiting noise in the City of Asheville.

Mr. W. C. Fortune spoke about the noise at the Asheville Speedway on Amboy Road.

Mr. Harry DuMont spoke in favor of keeping the Speedway in operation, and presented petitions signed by some thousand people in this behalf. Mr. Ledford advised the cars could not operate with mufflers.

Councilman Anderson withdrew his proposed amendment, and suggested that the matter be referred to the Planning staff.

Councilman Colton suggested that Section 7 of the ordinance be amended not to apply to Asheville Speedway.

Councilman Atkinson moved that the ordinance be tabled, and asked that Councilman Keleher and the corporation counsel get together and come back with another ordinance. There was no second to the motion.

Councilman Colton moved that the ordinance be passed on its second reading and then draw an amendment of Section 7 to carry out the theme of his suggestion before third reading, which motion was seconded by Councilman Crouch.

Mr. Roy Trantham spoke in favor of the race track.

Mr. E. R. McCarthy spoke against the race track.

Mr. Jack Ingram and Gordon Duckett spoke in favor of the race track.

Councilman Anderson moved the ordinance be tabled for two weeks to give the Corporation Counsel, Mrs. Keleher and the attorney for the Asheville Speedway time to try and satisfy two groups of citizens with conflicting interests, which motion was seconded by Councilman Atkinson, and upon a vote being taken the motion passed with Councilman Dailey dissenting.

ORDINANCE NO. 689 - AN ORDINANCE ESTABLISHING FIRE LIMITS

3. Consideration of an ordinance amending Ordinance 324, an ordinance establishing fire limits.

The City Manager advised that after due advertisement the low bids were as follows:

Regular gasoline	Gulf Oil Corporation	21.93¢per gallon, total $27,412.50
Premium gasoline	Gulf Oil Corporation	24.03¢per gallon, total $60,075.00
Heavy duty motor oil	American Oil Company	60.77¢per gallon, total $2,825.81
Heavy duty motor oil	Union Oil Company	59.1¢per gallon, total $1,423,46
Motor Oil-non detergent	Gulf Oil Corporation	49¢ per gallon, total $328.05
Hydraulic oil	Gulf Oil Corporation	47¢ per gallon, total $1,258.66
Gear Lubricant	American Oil Company,	14.32 per pound, total $361.58
Gear Lubricant	American Oil Company,	14.32¢ per pound, total $558.48
Gear Lubricant	American Oil Company	9.79 per pound, total $39.16
Multi service grease	American Oil Company,	17.51 per pound, total $245.14
Wheel Bearing Grease	Union Oil Company	17.9 per pound, total $36.87
Automatic transmission fluid	Union Oil Company	1.17.6 per gallon, total $109.02
Automatic transmission fluid	Union Oil Company,	$1.00.5 per gallon, total $136.64
Kerosene Oil	Humble Oil & Refining Co.	15.24 per gallon, total $1,234.44
Diesel Fuel	Humble Oil & Refining Co.	14.52 per gallon, total $3,194.00
Fuel Oil	American Oil Company,	12.06 per gallon, total $7,236.00
Fuel Oil	Humble Oil & Refining Co.	14.52 per gallon, total $726.00

Councilman Anderson moved that the low bidders be awarded the contract, which motion was seconded by Councilman Dailey and unanimously adopted.

BIDS - CHEMICALS FOR TREATMENT OF WATER

The City Manager advised that after due advertisement the low bids were as follows:

Liquid chlorine	Ticar Chemical Company,	$8.00 per CWT, total $16,000.00
Caustic soda	Ticar Chemical Company,	$1.90 per CWT, total $8,075.00
Hydrofluosilicic Acid	Moreland Chemical Company,	$59.20 per ton, total $9,620.00

Councilman Colton moved that the low bidders be awarded the contract, which motion was seconded by Councilman Anderson and unanimously adopted.

BIDS - PACKER TYPE BODIES, TRUCKS, AUTOMOBILES

14. Consideration of bids received December 17th for 4 enclosed packer-type bodies, 22 trucks, and 2 automobiles to be used by various city departments.

The City Manager advised that after due advertisement the low bids were as follows:

4 tilt cabs & Chassis trucks	Matthews Motors, Inc.	$34,872.48
2 cab & Chassis trucks	Asheville International Truck Sales	$8,533.46
1 dump truck	Asheville International Truck Sales	$5,801.82
1 3/4 ton truck	Asheville International Truck Sales	$2,420.58
1 1/2 ton pick up truck	Parkland Chevrolet Co.	$1.860.22
1 1/2 ton pick up truck	Dorato Motors, Inc.	$2,167.00
1 4 wheel drive truck	Carolina Truck & Body	$2,558.17
1 cab & chassis truck	Asheville International Truck Sales	$3,195.67
1 pick up truck	Asheville International Truck Sales	$2,184.34
1 pick up truck	Dorato Motors, Inc.	$2,242.00

AGREEMENT WITH AIR TERMINAL PARKING COMPANY, A CORPORATION", was, upon motion of Councilman Anderson, seconded by Councilman Keleher, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 572.

MODEL CITIES-COMMISSION - BIDS AND THIRD PARTY CONTRACT FOR RENOVATION OF LUCY HERRING SCHOOL

8. Consideration of bids received December 9th for the renovation of the Lucy Herring School, and consideration of a resolution authorizing execution of a third party contract for said renovation.

The City Manager advised that a low bid of $4,700 by Asheville Building Associates, Inc. had been approved by the Model Cities Commission.

Resolution No. 70-147, being "RESOLUTION AUTHORIZING THE EXECUTION OF THE THIRD PARTY CONTRACT BETWEEN THE CITY OF ASHEVILLE AND ASHEVILLE BUILDING ASSOCIATES, INC.", was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 573.

MODEL CITIES COMMISSION - DEMOLITION GRANT - RESOLUTION NOT PREPARED

9. Consideration of a resolution supporting the application by the City of Asheville for a demolition grant for the Model Cities Agency.

The City Manager advised that this resolution had not been prepared.

CAPITAL IMPROVEMENTS COMMITTEE - RESOLUTION ESTABLISHING

10. Consideration of a resolution establishing a Capital Improvements Committee.

Resolution No. 70-148, being "RESOLUTION ESTABLISHING CAPITAL IMPROVEMENTS COMMITTEE", was, upon motion of Councilman Colton, seconded by Councilman Keleher, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 574.

ASHEVILLE URBAN REDEVELOPMENT COMMISSION - ANNUAL REPORT

11. Presentation of the 1970 Annual Report of the Asheville Urban Redevelopment Commission.

Copies of the Annual Report were distributed to Council members, but Mr. Will King who was to have made the oral presentation was unable to be present because of illnes

BIDS - GASOLINE, OIL AND GREASE

12. Consideration of bids received on December 21st for gasoline, oil, and grease for the calendar year 1971.

SNOW AND ICE REMOVAL

Councilman Colton discussed the problem of snow removal, and called attention to the law which provides that owners and tenants must keep the sidewalks in front of their places of business clean.

The City Manager advised that it is impossible for the city to keep its snow plows moving and clearing the streets without shoving big piles of snow and slush across driveway and walkway accesses.

Councilman Atkinson said he hoped the Council would take notice that the city has a responsibility to clear the slush off streets.

Councilman Keleher paid tribute to crews at Asheville Airport for the job done in keeping planes arriving and leaving under adverse weather conditions.

Mayor Montgomery complimented the city administration and street crews for tackling the snow removal job on split shifts.

Adjournment.

W S Montgomery, MD
MAYOR

Margaret Lemmerle
CITY CLERK

1 pick up truck	Asheville International Truck Sales,	$2.588.20
1 four door carry-all	Asheville International Truck Sales,	$2.983.50
4 pick up trucks	Parkland Chevrolet Co.,	$6,411.02
2 two door sedans	Matthews Motors, Inc.	$2,062.00
4 enclosed hydraulic packer type bodies	Quality Engineering & Supply	$22,644.00

Councilman Anderson moved that the low bidders be awarded the contract, which motion was seconded by Councilman Atkinson and unanimously adopted.

BIDS - MOUNTAINSIDE APARTMENTS

The City Manager recommended that the low bid of Hobson Construction Company for street and utility improvements for Mountainside Apartments be awarded.

Councilman Colton so moved, which motion was seconded by Councilman Dailey and unanimously adopted.

IMPERIAL LAND CORPORATION - CONTRACT FOR SECTION 2 of CAMELOT SUBDIVISION AND LOW BID TO HOBSON CONSTRUCTION COMPANY

Resolution No. 70-149, being "RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE A CONTRACT WITH THE IMPERIAL LAND CORPORATION FOR THE DEVELOPMENT OF SECTION 2 OF THE CAMELOT SUBDIVISION AND AUTHORIZING THE MAYOR TO ACCEPT THE LOW BID SUBMITTED BY HOBSON CONSTRUCTION COMPANY", was, upon motion of Councilman Crouch, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #5 at page 575.

MODEL CITIES COMMISSION - RESIGNATION OF L. E. McCORD, APPOINTMENT OF MRS. DICIE JACKSON

The Mayor announced that Mr. L. E. McCord has retired as a Commissioner of the Model Cities Commission, and that Mrs. Dicie Jackson has agreed to serve in this capacity.

PROCLAMATION - NATIONAL DAY OF PRAYER

The Mayor advised that Wednesday, January 6th, had been designated as a National Day of Prayer

KNOW HOW U.S.A. WEEK

The Mayor called attention to an exhibit sponsored by the United States Chamber of Commerce and the United States Department of Commerce in the Tunnel Road Shopping Center, and proclaimed the week of January 4th through January 10th as "KNOW HOW U.S.A. WEEK".

which motion was seconded by Councilman Atkinson and unanimously adopted.

Councilman Colton moved that Section 1, sub-section 7 entitled "Exhaust discharge" be amended by adding the following sentence at the end of said sub-section 7 "This section shall not apply to vehicles operated upon a race track designed for motor vehicular speed competitions," which motion was seconded by Councilman Atkinson and unanimously adopted.

The following persons spoke in opposition to said ordinance as amended: E. R. McCarthy, Mrs. Elrod, Bill Lovelace, Jim Jervis, Mrs. Wilson, W. C. Lytle, and Rev. P. F. DeSaix. Mr. Max Coffey spoke for the ordinance as amended.

Councilman Colton stated it was his understanding that the Council has no constitutional right to prohibit the existing speedway, and the Corporation Counsel concurred.

Ordinance No. 681 as amended was then passed on its second reading.

ORDINANCE NO. [illegible] - AN ORDINANCE ESTABLISHING FIRE LIMITS

5. Second reading of Ordinance No. 689, an ordinance amending Ordinance 324, establishing fire limits.

Ordinance No. 689 was unanimously passed on its second reading.

MODEL CITIES - RESOLUTION AUTHORIZING MAYOR TO FILE APPLICATION FOR A DEMOLITION GRANT

6. Consideration of a resolution authorizing the Mayor of Asheville to file an application for a demolition grant in the Asheville Model Cities area.

Resolution No. 70-150, being 'RESOLUTION AUTHORIZING THE MAYOR OF ASHEVILLE TO FILE AN APPLICATION FOR A DEMOLITION PROGRAM GRANT IN THE ASHEVILLE MODEL CITIES AREA", was, upon motion of Councilman Dailey, seconded by Councilman Colton, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at at page 576.

BOARD OF ADJUSTMENT - APPOINTMENT OF MEMBERS (Chas. W. Abbott, Jack Baber, Graham Price, Lawrence J. Traber)

7. Consideration of a resolution appointing alternate members to the Board of Adjustment.

Resolution No. 70-151, being "RESOLUTION APPOINTING ALTERNATE MEMBERS TO BOARD OF ADJUSTMENT UNDER ORDINANCE #322, AS AMENDED", was, upon motion of Councilman Keleher, seconded by Councilman Crouch, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 577.

Regular Meeting Thursday, January 7, 1971 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Ruben Dailey, Luke Atkinson, City Manager Phin Horton, III, James N. Golding, Corporation Counsel, and Margaret Simmons, City Clerk

Absent: Councilman Webster Anderson

1. Approval of minutes of meeting of December 31, 1970.

The minutes were approved as submitted.

ORDINANCE NO. 690 - ORDINANCE AMENDING SECTION 9 OF ORDINANCE 322, BEING THE ZONING ORDINANCE OF THE CITY OF ASHEVILLE

ORDINANCE NO. 691 - ORDINANCE AMENDING SECTION 10 of ORDINANCE 322, BEING THE ZONING ORDINANCE OF THE CITY OF ASHEVILLE

2. Public hearing of ordinances amending Sections 9 and 10 of Ordinance 322 concerning Group Developments.

The City Manager announced that after due advertisement today is the date set for the public hearing, and the Mayor opened the public hearing at 3:17. The Corporation Counsel explained the ordinances.

Mr. Edwin Herren, representing Taxpayers, Incorporated, spoke against the ordinances. Mr. Bill Ramsey also spoke against the ordinances.

The Mayor closed the public hearing at 3:33.

There was a discussion, and Councilman Colton moved that Ordinance 691 be amended by adding the words 'Private or" immediately preceding the words Public Housing Developments, leased or conventional of Section 1, subsection 4, which motion was seconded by Councilman Crouch and unanimously adopted.

Ordinance No. 690 was passed on its first reading.

Ordinance No. 691 as amended was passed on its first reading.

ORDINANCE NO. 681 - ORDINANCE RESTRICTING PARKING ON HAYWOOD ROAD

3. Second reading of an ordinance restricting parking on Haywood Road.

Councilman Atkinson advised that the business men of West Asheville have requested that this ordinance become effective no sooner than April 15, 1971, and Councilman Atkinson made a motion to this effect, which was seconded by Councilman Colton and adopted.

Ordinance No. 681 was then passed on its second reading.

ORDINANCE NO. 688 - ORDINANCE AMENDING SECTION 18-12 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

Councilman Keleher moved that Ordinance No. 688 be removed from the table,

BUY BOX SEATS FOR ASHEVILLE TOURISTS

The Mayor proclaimed the week of January 7th through 15th as Buy Box Seats for Asheville Tourists Week.

SITE PLAN - ASHEVILLE MALL - AMENDMENT FOR LIGHTING REQUESTED

Mr. Rick Coleman presented an amendment to the outdoor lighting layout for the Asheville Mall Shopping Center site plan, and requested that it be approved.

This request was referred to the Planning and Zoning Commission for study and recommendation.

Adjournment

MAYOR

CITY CLERK

ORDINANCE NO. 692 - AN ORDINANCE REGULATING TOPLESS RESTAURANTS, CLUBS AND EMPLOYEES THEREOF

Ordinance No. 692, "AN OREINANCE REGULATING TOPLESS RESTAURANTS, CLUBS AND EMPLOYEES THEREOF", was, upon motion of Councilman Atkinson, seconded by Councilman Dailey unanimously passed on its first reading.

ORDINANCE NO. 693 - AN ORDINANCE REQUIRING CITY PRIVILEGE LICENSE FOR ANY TOPLESS WAITRESS, EMPLOYEE, DANCER OR ENTERTAINER

Ordinance No. 693, "AN ORDINANCE REQUIRING CITY PRIVILEGE LICENSE FOR ANY TOPLESS WAITRESS, EMPLOYEE, DANCER OR ENTERTAINER", was, on motion of Councilman Colton, seconded by Councilman Keleher, unanimously passed on its first reading.

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS - DISPENSED WITH

Councilman Atkinson moved that the charter requirement that Ordinances be read on three separate days be dispensed with as to Ordinance No. 693 and Ordinance No. 692, which motion was seconded by Councilman Dailey and adopted, with Councilman Colton voting no.

ORDINANCE NO. 692 - AN ORDINANCE REGULATING TOPLESS RESTAURANTS, CLUBS AND EMPLOYEES THEREOF

Ordinance No. 692 was unanimously passed on its second reading.

ORDINANCE NO. 692 - AN ORDINANCE REGULATING TOPLESS RESTAURANTS, CLUBS AND EMPLOYEES THEREOF

Ordinance No. 692 was unanimously passed on its third and final reading.

ORDINANCE NO. 693 - AN ORDINANCE REQUIRING CITY PRIVILEGE LICENSE FOR ANY TOPLESS WAITRESS, EMPLOYEE, DANCER OR ENTERTAINER

Ordinance No. 693 was unanimously passed on its second reading.

ORDINANCE NO. 693 - AN ORDINANCE REQUIRING CITY PRIVILEGE LICENSE FOR ANY TOPLESS WAITRESS, EMPLOYEE, DANCER OR ENTERTAINER

Ordinance No. 693 was unanimously passed on its third and final reading.

PROCLAMATION _ BLOOD DONOR MONTH

The Mayor read a proclamation designating the month of January as Blood Donor Month

Mr. Joseph Johnson, Building Inspector, answered questions of the Council. Councilman Anderson suggested that this whole area should be studied.

Following a discussion, Councilman Colton moved that no action be taken on the recommendation at this time, which motion was seconded by Councilman Crouch and unanimously adopted.

ORDINANCE #681 - ORDINANCE RESTRICTING PARKING ON HAYWOOD ROAD

5. Third reading of an ordinance restricting parking on Haywood Road.

Said ordinance #681 was unanimously passed on its third and final reading.

ORDINANCE NO. #68 - ORDINANCE AMENDING SECTION 16- 2 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

6. Third reading of Ordinance 688 as amended, an ordinance prohibiting noise in the City of Asheville.

Mr. Steve Sandman expressed his views as being against the anti-noise ordinance, and stating that he belonged to a small band.

Mayor Montgomery stated that the music produced by this small band was beautiful music, and that he would so testify at any time.

Mr. E. R. McCarthy spoke against the race track on Amboy Road, and asked that the Council instruct its Corporation Counsel to write the Attorney General requesting an opinion on the city's right to pass an ordinance even though such an ordinance might affect the operation of an existing race track.

Councilman Anderson moved that Section 7 be amended by adding this sentence at the end of said section: "These accepted race tracks must comply with the zoning ordinance". There was no second to the motion.

Councilman Atkinson stated that as he understands it the Council has no right to close down the race track; but that the citizens have a perfect right to take the matter to court, and let the court decide whether it is a nuisance or not.

Following the discussion Ordinance #688 was unanimously passed on its third and final reading.

Councilman Anderson then moved that the City Clerk be directed to inform the Planning and Zoning Commission that the Council desires a study be made of the noise problems related to the race track as they may affect zoning, which motion was seconded by Councilman Crouch and unanimously adopted.

ORDINANCE #689 - AN ORDINANCE ESTABLISHING FIRE LIMITS

7. Third reading of Ordinance 689, an ordinance amending Ordinance 324, establishing fire district boundaries.

Ordinance 689 was unanimously passed on its third and final reading.

Regular Meeting Thursday, January 14, 1971 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding and City Clerk Margaret Simmons.

Absent: None

1. Approval of minutes of meeting of January 7, 1971.

The minutes were approved as submitted.

CORPORATE LIMITS - EXTENSION - PUBLIC HEARING - IMPERIAL LAND CORPORATION

2. Public hearing on the request of Imperial Land Corporation for the City of Asheville to annex three adjoining tracts on Caribou Road.

The Mayor opened the public hearing at 3:01, and the City Manager read a letter from the Director of Planning stating that the Planning staff had not yet finished their studies in regard to this annexation, and the City Manager suggested that no action be taken on this ordinance at this time pending a recommendation from the Metropolitan Planning Board.

Mr. Kenneth Partin of the Imperial Land Corporation urged the Council to take action as soon as possible.

The Mayor closed the public hearing at 3:05. Councilman Anderson moved that no action be taken at this time, which motion was seconded by Councilman Colton and unanimously adopted.

PUBLIC HEARING ON ZONING OF LAND TO BE ANNEXED

3. Public hearing on the request of the Imperial Land Corporation for the City of Asheville to zone the three tracts on Caribou Road RA-5 Residential.

The Mayor opened the public hearing at 3:06, and the City Manager suggested in view of the fact that the annexation is not to be acted upon today that no action be taken on the zoning.

The Mayor closed the public hearing at 3:08. Councilman Anderson moved that no action be taken on the zoning of this property be taken today but be taken subsequently, which motion was seconded by Councilman Dailey and unanimously adopted.

PLANNING AND ZONING COMMISSION - RECOMMENDATION (Lot 224, Sheet 7 Ward 6)

4. Reading of a letter from the Planning and Zoning Commission recommending that Lot 224, Sheet 7, Ward 6, owned by Mr. David Hensley, be rezoned from RA-5 Residential to Commercial..

The City Manager read the letter, and then read a staff report which recommended that the zoning request be denied.

MUNICIPAL BOARD OF ELECTIONS - APPOINTMENT OF MEMBERS (Alan H. Shaw, Charles Webb, Eugene Coston,

12. Consideration of a resolution appointing a Municipal Board of Elections for a period of two years.

Resolution No. 71-2, "RESOLUTION APPOINTING A MUNICIPAL BOARD OF ELECTIONS FOR A PERIOD OF TWO YEARS", was, upon motion of Councilman Anderson, seconded by Councilman Crouch, unanimously adopted

Complete text of resolution will be found in Resolution Book 5 at page 579.

ASHEVILLE-BUNCOMBE COUNTY COMMUNITY RELATIONS COUNCIL - RESOLUTION CONFIRMING APPOINTMENTS BY CITY COUNCIL OF MEMBERS OF BOARD OF DIRECTORS

13. Consideration of a resolution confirming the appointments by the City Council of members of the Board of Directors of the Asheville-Buncombe County Community Relations Council.

Resolution No. 71-3, "RESOLUTION CONFIRMING THE APPOINTMENTS BY THE CITY COUNCIL OF MEMBERS OF THE BOARD OF DIRECTORS OF THE ASHEVILLE-BUNCOMBE COUNTY COMMUNITY RELATIONS COUNCIL", was, upon motion of Councilman Dailey, seconded by Councilman Anderson, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 580.

BIDS - CAST IRON PIPE, VALVES, TAPPING SLEEVES AND FIRE HYDRANTS

14. Consideration of bids received on January 8th for cast iron pipe, valves, tapping sleeves, and fire hydrants for the calendar year 1971.

The City Manager advised that after due advertisement bids had been received:

Pipe Sizes 4"-12"	Lynchburg Foundry Co.	$99,420.00
Pipe Sizes 14 & 16'	Lynchburg Foundry Co.	$30,220.00
Fittings	Southern Meter & Supply Company	$8,731.69
Gate Valves	M & H Valve & Fittings Co.	$9,217.70
Tapping Sleeves	Silverman Company	$4,280.04
Fire Hydrants	Silverman Company	$17,772.43
Misc. Tapping Sleeves	American C. I. Pipe Co.	$1,306.00
Misc. Sleeves	Lynchburg Foundry Co.	$957.36

Councilman Dailey moved that the above bids be awarded, which motion was seconded by Councilman Atkinson and unanimously adopted.

ORDINANCE #690 - AN ORDINANCE AMENDING SECTION 9 OF ORDINANCE 322, BEING THE ZONING ORDINANCE OF THE CITY OF ASHEVILLE

8. Second reading of Ordinance #690, an ordinance concerning group developments.

Said ordinance #690 was passed on its second reading with Councilman Anderson abstaining from voting.

ORDINANCE #691 - AN ORDINANCE AMENDING SECTION 10 OF ORDINANCE 322, BEING THE ZONING ORDINANCE OF THE CITY OF ASHEVILLE

9. Second reading of Ordinance 691, an ordinance concerning group developments, as amended.

Said ordinance #691, as amended, was passed on its second reading with Councilman Anderson abstaining from voting.

ASHEVILLE AREA COUNCIL ON EMPLOYMENT - RECOGNIZED AS ORGANIZATION TO COORDINANTE EMPLOYMENT AND EMPLOYMENT-RELATED SERVICES

10. Consideration of a resolution recognizing the Asheville Area Council on Employment as the organization to coordinate employment and employment-related services.

Resolution No. 71-1, being "RESOLUTION RECOGNIZING THE ASHEVILLE AREA COUNCIL ON EMPLOYMENT AS THE ORGANIZATION TO COORDINATE EMPLOYMENT AND EMPLOYMENT RELATED SERVIES", was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete text of the resolution will be found in Resolution Book 5 at page 578.

ORDINANCE NO. 694 - AN ORDINANCE ESTABLISHING A 20 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 o'clock A. M. and 9:00 o'clock A. M., and BETWEEN THE HOURS OF 2:00 o'clock P. M. and 4:00 o'clock P. M. ON ANY DAY THAT THE ASHEVILLE CITY SCHOOLS ARE IN SESSION

11. Consideration of an ordinance amending Ordinance 630 concerning speed limits in school zones.

Ordinance No. 694, was, upon motion of Councilman Keleher, seconded by Councilman Colton, unanimously passed on its first reading.

Miss Smith spoke against the ordinance and asked that speed limits be established at Herring and Livingston Street Schools. The City Manager advised that he and the Traffic Engineer will make a study of speed regulations in these areas.

Regular Meeting Thursday, January 21, 1971 - 3 00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding, Councilmen Henry E. Colton, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel James M. Golding, and City Clerk Margaret Simmons.

Absent: Councilmen Barbara C. Keleher and Robert P. Crouch.

1. Approval of minutes of meeting of January 14, 1971.

The minutes were approved as submitted.

ORDINANCE [illegible] - ORDINANCE
AMENDING SECTION [illegible] OF ORDINANCE
[illegible], BEING THE ZONING ORDINANCE
OF THE CITY OF ASHEVILLE

2. Third reading of Ordinance 690, an ordinance concerning group developments.

Ordinance #690, being "ORDINANCE AMENDING SECTION 9 OF ORDINANCE 322, BEING THE ZONING ORDINANCE OF THE CITY OF ASHEVILLE", was unanimously passed on its third and final reading.

ORDINANCE [illegible] 691 - ORDINANCE
AMENDING SECTION [illegible] OF ORDINANCE
[illegible], BEING THE ZONING ORDINANCE
OF THE CITY OF ASHEVILLE

3. Third reading of Ordinance 691, as amended, an ordinance concerning group developments.

Ordinance #691, being ORDINANCE AMENDING SECTION 10 OF ORDINANCE 322, BEING THE ZONING ORDINANCE OF THE CITY OF ASHEVILLE", as amended, was unanimously passed on its third and final reading.

ORDINANCE NO. [illegible] - AN ORDINANCE ESTABLISHING
A [illegible] MILE PER HOUR SPEED LIMIT ON DESIGNATED
CITY STREETS BETWEEN THE HOURS OF [illegible] O'CLOCK
A. M. AND [illegible] O'CLOCK A. M., AND BETWEEN THE HOURS
OF [illegible] O'CLOCK P. M. AND [illegible] O'CLOCK P. M. ON
ANY DAY THAT THE ASHEVILLE CITY SCHOOLS ARE IN
SESSION

4. Second reading of Ordinance 694, an ordinance amending Ordinance 630 concerning speed limits in school zones.

Councilman Dailey called to the attention of the Council that Livingston Street is a very crowded street and that this is a pick-up place for school children. The City Manager was requested to make a report on this matter.

Councilman Colton moved that Ordinance #694 be tabled until this matter can be investigated, which motion was seconded by Councilman Dailey and unanimously adopted.

REDEVELOPMENT PROJECT
N. C. R 13 - BID OF OVERLAND
INVESTMENTS, LTD. - REJECTED

15. Consideration of a bid proposal by Overland Invdstments, Ltd. for Parcel 20 in the Civic Redevelopment Project N. C. R-13.

Mr. Anthony Redmond, attorney for the Redevelopment Commission made the presentation, advising that the Redevelopment Commission held a meeting on December 31st, and certain elements of the bid proposal were not available to the Redevelopment Commission, but in order to have a developer for this important tract of land a motion was passed by the Redevelopment Commission tentatively accepting the bid proposal subject to certain conditions, all of which were made known by registered mail to the developer; that when the contract for the sale was delivered by the developer it was found to contain certain provisions that were unacceptable to the Redevelopment Commission; and that the Redevelopment Commission requests that the City Council take action not to approve the sale to the developer.

The City Manager recommended that the Council consider a motion to reject the proposal of the developer and that the Redevelopment Commission use its own discretion as to when in the future they may wish to readvertise this tract of land for sale.

Councilman Atkinson so moved, which motion was seconded by Councilman Dailey and unanimously adopted.

DEAVERVIEW HOUSING PROJECT -
DISCUSSION

Mr. Karl Johnson discussed the Deaverview Housing Project, and stated the burden should be put on HUD in Atlanta to inspect these units and see if they are habitable and safe, and suggested that attorneys for the city and the Asheville Housing Authority get together with the Authority Chairman and determine whether it is legal to compel the Housing Authority to accept the Deaverview Unit .

The City Manager stated he felt that policy in such matters should be made by the Housing Authority itself, but stated he and the Building Inspector would inspect the units and keep Council members informed.

Adjournment.

MAYOR

CITY CLERK

WATER LINE AGREEMENT - DILLON HENDLEY

9. Consideration of a resolution authorizing the execution of an agreement for a 2" water line extension by Mr. Dillon Hendley on Patton Hill Cemetery Road.

Resolution No. 71-5, being "RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH MR. DILLON HENDLEY CONCERNING A 2-INCH WATER LINE ON SECONDARY ROAD NO. 2439 (PATTON HILL CEMETERY ROAD), SWANNANOA TOWNSHIP, BUNCOMBE COUNTY, was, upon motion of Councilman Colton, seconded by Councilman Anderson, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 582.

SIGN PERMIT, 77 PATTON AVENUE - DENIED

10. Consideration of a report by the Metropolitan Planning Staff concerning an application for a sign permit on Patton Avenue.

The City Manager read the report of the Planning Staff, which stated that the most desirable situation would be the erection of one rotating, illuminated, double-faced sign by the owner of the building located at a spot on the lot visible from all directions that could be shared by the occupants of the building.

Following a discussion, Councilman Colton moved that the permit be denied, and that the City Clerk forward to the owner the letter from the Planning Staff, which motion was seconded by Councilman Anderson and unanimously adopted.

DEAVERVIEW HOUSING PROJECT DISCUSSION

11. Discussion of a report on the inspection of the Deaverview Housing Project.

The City Manager read the report of the Chief Building Inspector, which stated that a long list of workmanship deficiencies had been found at the Deaverview Housing Project, but if all the deficiencies were corrected, the project would meet the requirements of the state building code.

The City Manager stated he had looked over the project and believed the contractor was well on the way to achieving corrections, and the Council decided that it was not in a position to intercede in any agreement reached between the Asheville Housing Authority and the developer, AMCON International, as to the Asheville Housing Authority's acceptance of the project.

WATER - CANNOT BE USED ON INTERSTATE CARRIERS

The City Manager stated he had been notified by the Atlanta office of the U. S. Department of Health, Education and Welfare that the city's water supply cannot be used on interstate carriers, such as airplanes and trains.

The following telegram was received from Howard Chapman of the U. S. Public Health Service in Atlanta:

"Following a field investigation of the Asheville water system and a meeting

CORPORATE LIMITS EXTENSION -
GRIMES PROPERTY - DISCUSSION

5. Consideration of a report from the Metropolitan Planning Staff concerning the economic feasibility of annexing the Grimes property on Leicester Highway.

The City Manager read the report and the cost-benefit charts and stated that it would appear that it would be best for annexation to occur after development or for annexation not to occur at all, and the City Manager stated further that he would definitely recommend that the Council take no action now, due to the fact that the N. C. Supreme Court ruling on the sales tax has put the city's economic position in jeopardy.

Following a discussion, Councilman Atkinson moved that this matter be tabled, which motion was seconded by Councilman Colton and unanimously adopted.

Mr. Dick King discussed the school situation in the county, and stated he was opposed to this annexation.

REPORT OF CHIEF BUILDING INSPECTOR -
247 PATTON AVENUE

6. Consideration of a report by the Chief Building Inspector concerning a business structure at 247 Patton Avenue.

The City Manager read the report, which stated that Ruth Mittman was the owner of the property and she was out of the country, and found that the building on the property was dangerous and a public nuisance. The City Manager urged the Council to consider a motion to concur with the findings of the Building Inspector and that the property be demolished under a Demolition Grant by HUD.

Councilman Colton so moved, which motion was seconded by Councilman Dailey and unanimously adopted.

TRAFFIC SIGNALIZATION TO BE
PAID OUT OF CONTINGENCY FUND

7. Consideration of authorizing the payment of $4,615.20 for traffic signalization from the Contingency Account.

The City Manager recalled that in the spring of 1970 he presented a proposal whereby the State Highway Commission had entered into a contract to pay approximately $49,000 for the upgrading of certain signals with the City paying $4,615.20; that the City has now received $45,000 from the State, and the City Manager asked authority to spend $4,615.20 out of the Contingency Account.

Councilman Anderson moved that the City Manager be so authorized, which motion was seconded by Councilman Dailey and unanimously adopted.

MOUNTAINSIDE APARTMENTS -
UTILITIES CONTRACT

8. Consideration of a resolution authorizing the Mayor to enter into an agreement for a utilities contract for Mountainside Apartments

Resolution No. 71-4, being "RESOLUTION AUTHORIZING THE EXECUTION OF A UTILITIES CONTRACT FOR MOUNTAINSIDE APARTMENTS", was, upon motion of Councilman Dailey, seconded by Councilman Anderson, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 581.

3. A cross-connection control program has been initiated since the inspection was made.

4. A city-county water authority is being worked out to improve the tax base for needed financing.

5. Revisions have been made in the amount of money transferred from the water account to the general fund, which will allow more funds for operation, maintenance, and improvements of the water system.

When you have completed your review of this report, and if you would like to look into this matter further, we will be most happy to assist in any way possible.

Very truly yours,

Jacob Koomen, M.D., M.P.H.
State Health Director

cc: Mr. Phin. E. Horton
Mr. W. A. Curlette
Mr. T. G. Groom
Dr. H. W. Stevens
WJS;tc

The City Manager stated he wanted to assure the public that there is no justification for public alarm; that the city was not in any danger of epidemics and there is no reason to fear utilizing the water, particularly at this time of year.

Mr. Lawrence Burwell, the County's assistant health director, said surveys of the water over the last few years have shown a periodic presence of the bacterial problem in the summer and early fall, and that there have been no positive bacteria counts in the last three months.

1% LOCAL OPTION SALES TAX
DECLARED UNCONSTITUTIONAL

The City Manager discussed the recent Supreme Court Decision which declared unconstitutional the 1% local option sales tax, advising that the city's 1970-71 budget anticipated sales tax revenues of $733,000 and to date $320,668.97 of this amount has been received.

A discussion followed as to alternative forms of revenue sources. It was brought out by Councilman Colton that city officials should begin immediately to devise methods of cutting expenses in the latter half of the fiscal year, especially if the Attorney General were to rule that sales tax which has already been collected will not be distributed.

Adjournment

MAYOR

CITY CLERK

in your office with representatives of the North Carolina State Board of Health and Buncombe County Health Department, it is the decision of this office to prohibit the Asheville water supply for interstate carrier use. It is recognized that the City of Asheville is taking positive action to improve the water system; however, the time needed for a complete solution is estimated at two (2) to three (3) years. In the interim the safety of the water supply will not be sufficient for continued use by the travelling public. Therefore, it is necessary that immediate action be taken by this office."

A copy of the following letter was also received:

January 5, 1971

Mr. Howard W. Chapman
Regional Assistant Administrator
Department of Health, Education, and Welfare
Invironmental Health Service
Region IV
50 Seventh Street, Northeast
Atlanta, Georgia 30323

ATTENTION: Mr. Gary D. Hutchinson

Dear Sir:

Interstate Carrier Water Supply
Asheville, North Carolina

As indicated in my letter of December 23, 1970, and on the "Report of Water Supply Used on Interstate Carriers, dated December 16, 1970, it has been recommended that the City of Asheville's supply be given a prohibited classification.

At the request of City Manager Phin. E. Horton, we are attempting to present in this letter some additional facts that are not indicated on the report form.

The deficiencies noted from this inspection are as follows

1. The bacteriological quality of the water at Asheville, at times, does not meet the Public Health Service standards.

2. The two principal storage reservoirs are not covered.

3. At the time of the inspection, there was no cross-connection control program.

4. Low pressures exist in some areas of the distribution system.

5. The area of the protected watershed along the Blue Ridge Parkway is not properly protected and patrolled.

The City of Asheville has taken steps toward improvement of the poor conditions which now exist as follows:

1. An engineering firm has been employed to determine the cause of and correction for the high bacteriological counts.

2. An additional chlorinator and stand by power generator have been purchased and installed at the treatment facility to assure sufficient and continued chlorination.

IMPERIAL LAND CORPORATION - AGREEMENT FOR WATER MAIN EXTENSIONS FOR SECTION III OF BOTANY WOODS SUBDIVISION

5. Consideration of a resolution authorizing execution of an agreement for water main extensions by the Imperial Land Corporation for Section III of Botany Woods Subdivision near Lower Grassy Branch Road.

Resolution No. 71-6, being "RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH IMPERIAL LAND CORPORATION CONCERNING WATER MAINS EXTENDING EASTERLY FROM SECTIONS 1 AND 2 of BOTANY WOODS SUBDIVISION TO SERVE SECTION 3 OF SAID SUBDIVISION, SWANNANOA TOWNSHIP, BUNCOMBE COUNTY", was, upon motion of Councilman Anderson, seconded by Councilman Atkinson, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 583.

MODEL CITIES AGENCY - THIRD PARTY AGREEMENT WITH PUBLIC RESEARCH AND MANAGEMENT, INC.

6. Consideration of a resolution authorizing execution of a third party agreement with Public Research and Management, Inc., for the establishment of a management system for the Asheville Model Cities Agency.

Resolution No. 71-7, being "RESOLUTION AUTHORIZING THE EXECUTION OF A THIRD PARTY AGREEMENT WITH PUBLIC RESEARCH AND MANAGEMENT, INCORPORATED, FOR THE ESTABLISHMENT OF A MANAGEMENT SYSTEM FOR THE ASHEVILLE MODEL CITIES AGENCY", was, upon motion of Councilman Colton, seconded by Councilman Keleher, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 584.

GOOD NEIGHBOR WEEK

7. Consideration of a resolution proclaiming February 1-7 Good Neighbor Week.

Resolution No. 71-8, being "RESOLUTION PROCLAIMING FEBRUARY 1-7 GOOD NEIGHBOR WEEK", was, upon motion of Councilman Dailey, seconded by Councilman Anderson, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 585.

Reverend Bob Busey, Chairman of the Asheville-Buncombe County Human Relations Council, endorsed said resolution.

IMPERIAL LAND CORPORATION - WITHDRAWAL OF ANNEXATION REQUEST

The City Manager read a letter from the Imperial Land Corporation withdrawing said corporation's request for annexation of certain land belonging to the corporation.

SALES TAX - DISCUSSION

The City Manager stated if the sales volume in the current fiscal year repeated identically the volume of the 1968-69 fiscal year the county and its other

Regular Meeting Thursday, January 28, 1971 - 3:00 o'clock P. M.

Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, and City Clerk Margaret Simmons.

Absent: Councilman Robert P. Crouch and Corporation Counsel James N. Golding

1. Approval of minutes of meeting of January 21, 1971.

The minutes were approved as submitted.

LOCUST STREET CLOSING - PUBLIC HEARING SET

2. Consideration of authorizing advertisement for a public hearing for closing a portion of Locust Street lying in parcel 7 of the Civic Redevelopment Project.

The City Manager read a letter from Wilbur C. King, Acting Executive Director of the Redevelopment Commission requesting that Locust Street, from the southern right-of-way of Old Woodfin Street southerly to the northern right-of-way of College Street and College Park Place, be closed.

Councilman Anderson moved that a public hearing be set after due advertisement at public expense, which motion was seconded by Councilman Keleher and unanimously adopted.

PLAT - IMPERIAL LAND CORPORATION DEVELOPMENT ON MARTIN COURT - APPROVED

3. Consideration of a letter from the Planning and Zoning Commission recommending that City Council approve the final subdivision plat of the Imperial Land Corporation for a development on Martin Court.

The City Manager read the letter from the Planning Director recommending that said plat be approved subject to a variance being granted on the setback requirements of the Subdivision Regulations to permit front yard setback to comply with the present RA-5 Residential District zoning of the area.

Councilman Colton moved that said plat be approved subject to said variance, which motion was seconded by Councilman Dailey and unanimously adopted.

ZONING ORDINANCE - AMENDMENT REQUESTED (Area contained within boundary of Montford Avenue, Cullowhee Street, Pearson Drive and West Chestnut Street, except area presently zoned NTA)

4. Consideration of a request of REv. N. P. Spirakis and Eugene Layne that certain land contained within the boundary of Montford Avenue, Cullowhee Street, Pearson Drive and West Chestnut Street be rezoned from Neighborhood Trading Area to Residential RA-M.

The City Manager read the letter of request, and this matter was referred to the Planning and Zoning Commission for study and recommendation.

Regular Meeting Thursday, February 11, 1971 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Ruben Dailey, Luke Atkinson, Corporation Counsel J. N. Golding and City Clerk Margaret Simmons.

Absent. City Manager Phin. Horton, III and Councilman Webster Anderson.

1. Approval of minutes of meeting of January 28, 1971.

The minutes were approved as submitted.

[illegible]

2. Consideration of a letter from the Asheville Planning and Zoning Commission recommending that the amended Site Plan for Housing Project N. C. 7-11 be approved, subject to four items of change.

The Corporation Counsel read the letter, and Councilman Colton moved that the City Clerk advertise for a public hearing in this matter, which motion was seconded by Councilman Atkinson and unanimously adopted.

[illegible]

3. Reading of a letter from the Asheville Planning and Zoning Commission concerning a study made of race track noise as it may affect or be affected by zoning.

The Corporation Counsel read the letter which advised that the Commission directed the staff to inform City Council that the present Zoning Ordinance permits race tracks in the Industrial District, but excludes them from all other zoning districts, and that the proposed Zoning Ordinance under consideration will exclude race tracks from all districts and they will become nonconforming.

Mr. Nicholas Kmecza, Executive Director, informed the Council that the proposed zoning ordinance would be ready for consideration in approximately eight weeks.

[illegible]

4. Consideration of a bid proposal by the First Christian Church of Asheville for Parcel 12-A of the Civic Redevelopment Project.

Mr. Wilbur King informed the Council that the First Christian Church had made a bid of $6,237.29 for said Parcel 12-a.

Councilman Keleher moved that said bid be accepted, which motion was seconded by Councilman Colton and unanimously adopted.

taxing jurisdictions would have received a total of $2,394,320 from the local option tax, and that Buncombe County and its municipal jurisdictions are losing every day that the tax is not collected the sum of $6,559.78, or $273.32 every hour.

Councilman Atkinson discussed the sales tax, stating that some city officials are displaying too much gloom about the loss of sales tax revenues; that he thought the city was starting at the wrong end in taking the announced economy actions, suggested that Council members might forfeit their salaries, the City Manager might give up the raise given him, and that the Corporation Counsel might give up his retainer; and that we ought to put a little more optimism into the matter.

SIGN PERMIT - 772 PATTON AVENUE - AGAIN DENIED

Mr. W. R. Matthews of Columbia, S. C., president of National Tax Service, requested that the Council reconsider its decision not to permit a sign at 772 Patton Avenue.

Councilman Colton advised that the Council has taken the position that only principal-use signs will be permitted within 200 feet of the limited access highways, and that the principal use of the property in question is as an office building.

The Council declined to reconsider its decision.

POOL ROOM ORDINANCE - AMENDMENT REQUESTED

Mr. James S. Howell, attorney for Mrs. Thelma P. Turbyfill, advised that his client wished to install a pool table at her place of business at 1655 Haywood Road.

The City Manager stated that boundaries of pool hall districts are established by ordinance, and that this would require an amendment to the City Code. The matter was referred to the Corporation Counsel to prepare an ordinance, in order that the Council might consider it.

Adjournment.

W S Hmmtyrmm, MD.
MAYOR

Margaret Lemmons
CITY CLERK

Regular Meeting — Thursday, January 4, 1971 - 3:00 o'clock P. M.

Because of the lack of a quorum no meeting of the City Council was held on the above date.

W S Hmmtyrmm, MD
MAYOR

Margaret Lemmons
CITY CLERK

approach road to Bee Tree Lake.

Resolution No. 71-12, being "RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY AGREEMENT WITH STATE HIGHWAY COMMISSION", was, upon motion of Councilman Crouch, seconded by Councilman Colton, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 page 589

AUDITORIUM FIRE ESCAPES - DISCUSSION

Councilman Dailey advised it had come to his attention that there is no fire escape on the north side of the Auditorium.

Mayor Montgomery stated that the City Manager should have the Fire Chief issue a statement as to the adequacy of fire escapes at the Auditorium.

POOL HALL - REQUEST OF MRS. TURBYFILL

Mr. Ball Anderson, attorney for Mrs. Thelma Padgett Turbyfill, inquired if any action had been taken on her request to amend the pool hall district to allow her to place one pool table in her place of business at 1655 Haywood Road.

The Corporation Counsel advised he had been very busy and had been unable to look into this matter, but that he would prepare said ordinance for consideration by the Council.

Adjournment

MAYOR

CITY CLERK

MODEL CITIES AGENCY - PURCHASE OF 15-PASSENGER VAN

5. Consideration of bids received February 2nd for a 15-passenger van for the Asheville Model Cities Agency.

The Corporation Counsel advised that three bids were received:

Parkland Chevrolet Company	Asheville International Truck Sales	Dorato Motors
$4,724.65	$8,756.11	$4,649.53

Resolution No. 71-9, being "RESOLUTION AUTHORIZING THE ACCEPTANCE OF A BID FOR A FIFTEEN PASSENGER VAN FOR THE MODEL CITIES PROGRAM AND PROVIDING FOR ITS MAINTENANCE BY THE CITY", was, upon motion of Councilman Dailey, seconded by Councilman Keleher, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 586

IMPERIAL LAND CORPORATION - AGREEMENT FOR EXTENSION OF WATER SERVICE TO EASTWOOD SUBDIVISION

6. Consideration of a resolution authorizing the Mayor to enter into an agreement with the Imperial Land Corporation concerning the extension of water mains to serve the Eastwood Subdivision.

Resolution No. 71-10, being "RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH IMPERIAL LAND CORPORATION CONCERNING WATER MAINS EXTENDING EASTERLY FROM U. S. HIGHWAY 74 TO SERVE EASTWOOD SUBDIVISION, FAIRVIEW TOWNSHIP, BUNCOMBE COUNTY", was, on motion of Councilman Crouch, seconded by Councilman Atkinson, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 587.

ADULT ADVISORY BOARD OF THE ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL - APPOINTMENT OF MEMBERS (Mrs. E. P. Foster and Michael Nation)

7. Consideration of a resolution appointing two persons to the Adult Advisory Board of the Asheville Buncombe County Youth Council.

Resolution No. 71-11, being "RESOLUTION APPOINTING MEMBERS TO THE ADULT ADVISORY BOARD OF THE ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL", was, upon motion of Councilman Atkinson, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 588.

STATE HIGHWAY COMMISSION - RIGHT-OF-WAY AGREEMENT

8. Consideration of a resolution authorizing the Mayor to sign a right-of-way agreement which would give the State Highway Commission to blacktop a portion of the

Following the discussion, Resolution No. 71-14, being "RESOLUTION APPROVING A RELOCATION PLAN FOR THE ASHEVILLE MODEL CITIES PROGRAM AND APPROVING THE CONDITIONS UNDER WHICH RELOCATION PAYMENTS WILL BE MADE UNDER SAID PLAN", was, upon motion of Councilman Dailey, seconded by Councilman Colton, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 591.

THOMS CABLEVISION - AMENDMENT TO ORDINANCE-FRANCHISE

n. Consideration of a resolution amending the Ordinance-Franchise of Thoms Cablevision.

Mr. Thoms spoke in favor of said resolution.

Resolution No. 71-15, being "RESOLUTION AMENDING THE ORDINANCE-FRANCHISE OF THOMS CABLEVISION', was, upon motion of Councilman Atkinson, seconded by Councilman Kelcher, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 592.

MODEL CITIES - CONTRACT WITH TRIANGLE CONSULTANT ASSOCIATES, INC.

7. Consideration of a resolution authorizing the Mayor to enter into a third party agreement with Triangle Consultant Associates, Inc. for technical assistance to be tendered to the Citizens Participation program of the Model Cities Agency.

Resolution No. 71-16, being "RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A THIRD PARTY CONTRACT WITH TRIANGLE CONSULTANT ASSOCIATES, INC. OF RALEIGH, NORTH CAROLINA FOR THE PROVISION OF TECHNICAL ASSISTANCE FOR THE CITIZEN PARTICIPATION STRUCTURE OF THEMODEL CITIES AGENCY", was introduced by Councilman Dailey, and seconded by Councilman Colton.

Mr. Logan Delaney, explained the services, and answered questions of Council members. Wayne Jackson, a member of the Commission, also spoke in favor of the resolution.

During the discussion Councilman Crouch advised that he would like to have a list of the staff members of Triangle Consultant Associates, together with their credentials, and a vote on the resolution was delayed until Mr Delaney could procure this information.

CITY PROPERTY NEAR OLD INCINERATOR - DECLARED SURPLUS AND MADE AVAILABLE FOR SALE

8. Consideration of a resolution declaring certain land near the old city incinerator surplus and making it available for sale.

Resolution No. 71-17, being "RESOLUTION DECLARING CERTAIN LAND NEAR THE OLD INCINERATOR SURPLUS AND MAKING IT AVAILABLE FOR SALE", was, upon motion of Councilman Atkinson, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 594.

Regular Meeting Thursday, February 18, 1971 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.
Absent: Councilman Webster Anderson.

1. Approval of minutes of meeting of February 11, 1971.

The minutes were approved as submitted.

ORDINANCE NO. 695 - AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS

2. Consideration of an ordinance amending Pool Hall Districts for the City of Asheville.

Ordinance No. 695, being "AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS", was, upon motion of Councilman Dailey, seconded by Councilman Colton, unanimously passed on its first reading.

PLAT - SECTION 4 OF ROLLING GREEN SUBDIVISION - APPROVED

3. Reading of a letter from the Planning and Zoning Commission recommending that the final subdivision plat of Section 4 of Rolling Green Subdivision in Haw Creek be approved.

Councilman Colton moved that said plat be approved, which motion was seconded by Councilman Keleher and unanimously adopted.

LEASE - McCORMICK FIELD - TOM FLEMING AND WILLIAM ACKERMAN

4. Consideration of a resolution authorizing the Mayor to enter into a lease agreement with Mr. Tom Fleming and Mr. William Ackerman for use of McCormick Field.

Resolution No. 71-13, being "RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT AND LEASE WITH WILLIAM ACKERMAN AND THOMAS A. FLEMING, PARTNERS, PROVIDING FACILITIES FOR PROFESSIONAL BASEBALL IN ASHEVILLE DURING THE YEARS OF 1971 AND 1972," was, upon motion of Councilman Crouch, seconded by Councilman Colton, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 590.

The Corporation Counsel was instructed to get clarification of the Babe Ruth and High School concessions.

MODEL CITIES - RELOCATION PLAN

5. Consideration of a resolution approving the relocation plan for the Model Cities Program and approving the conditions under which relocation payments will be made under said plan.

The City Manager explained the said resolution, and Mr. Logan Delaney, Executive Director of the Model Cities Commission, answered questions of Council members.

Miss Fannie McCoy also spoke.

BOARD OF DIRECTORS OF ASHEVILLE-
BUNCOMBE COUNTY COMMUNITY RELATIONS
COUNCIL - APPOINTMENT OF MEMBER
(Dick Fransel

Resolution No. 71-19, being "RESOLUTION APPOINTING MEMBER TO THE BOARD OF DIRECTORS OF THE ASHEVILLE-BUNCOMBE COUNTY COMMUNITY RELATIONS COUNCIL", was, upon motion of Councilman Dailey, seconded by C uncilman Crouch, unanimously adopted.

Complete copy of resolution will be found in resolution Book 5 at page 597.

[illegible]

Councilman Dailey read a statement from the Fire Chief advising that the fire escapes at the Auditorium were adequate for safety on a short term basis.

[illegible]

Mrs Melba Wilson discussed bus service, and especially the service to the Biltmore Forest area.

The City Manager advised that the residents of Biltmore Forest paid a subsidy to the Asheville Transit Authority for said service, and that all matters of bus service were handled by the Asheville Transit Authority.

Adjournment.

[illegible]
MAYOR

[illegible]
CITY CLERK

CHARTER RULE THAT ORDINANCE BE READ ON THREE SEPARATE DAYS - ASKED TO BE SUSPENDED

Mr. James S. Howell, attorney for Mrs. Turbyfill, requested that the Charter rules that ordinances be read on three separate days be dispensed with in regard to Ordinance No. 695, amending the Pool Hall Districts.

Councilman Dailey moved that said rule be suspended, which motion was seconded by Councilman Atkinson, and upon a vote being taken the motion was defeated 4 to 2.

MODEL CITIES - CONTRACT WITH TRIANGLE CONSULTANT ASSOCIATES, INC.

Mr. Delaney gave Dr. Crouch a list of the staff members of Triangle Consultant Associates, Inc., but said list did not include credentials, and Dr. Crouch stated that he would abstain from voting on the resolution.

Following further discussion a vote was taken on the resolution and it passed by a vote of 4 to 1, after the following sentence had been added to said resolution: "Said consultants to give a written report and oral presentation at the end of the first month's services."

Complete copy of resolution will be found in Resolution Book 5 at page 593.

RECREATION PARK SWIMMING POOL, BEE TREE LAKE, LAKE JULIAN - FEES

9. Consideration of a resolution concerning fees at the Recreation Park swimming pool, Bee Tree Lake, and Lake Julian.

Mrs. Melba Wilson discussed the fees, stating that they were too high, and also that some provision should be made for families and that all rules should be posted.

The matter was discussed by the Council, and Dr. Crouch stated that some concession should be made to residents of the City of Asheville. The City Manager was requested to prepare an amendment to the resolution regarding these points.

Following the discussion, Resolution No. 71-18, being "RESOLUTION CONCERNING FEES AT THE RECREATION PARK SWIMMING POOL, BEE TREE LAKE, AND LAKE JULIAN", was, upon motion of Councilman Keleher, seconded by Councilman Crouch, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at pages 595, 596.

KEYS TO THE CITY

10. Consideration of a resolution authorizing the printing of cardboard "Keys to the City" to be used by certain visitors for parking privileges.

Councilman Atkinson introduced "RESOLUTION AUTHORIZING THE PRINTING OF CARDBOARD "KEYS TO THE CITY" TO BE USED BY CERTAIN VISITORS FOR PARKING PRIVILEGES", which resolution was seconded by Councilman Crouch. Upon a vote being taken the resolution was defeated by a vote of 3 to 3.

Program and authorizing the Mayor to file an application for a Federal Grant to assist in financing the preparation of said program.

Resolution No. 71-21, being "RESOLUTION APPROVING THE PREPARATION OF A COMMUNITY RENEWAL PROGRAM AND AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION FOR A FEDERAL GRANT TO ASSIST IN FINANCING THE PREPARATION OF SAID PROGRAM", was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 599.

BEE TREE LAKE, LAKE JULIAN, AND RECREATION PARK SWIMMING POOL - FEE SCHEDULE

5. Further discussion of the fee structures at Bee Tree Lake, Lake Julian, and the Recreation Park pool.

The City Manager read a letter from Miss Barnett in which she suggested that the fee schedule remain the same for this fiscal year. The City Manager also read a letter from Mr. Vogenberger which stated that this matter should be studied carefully and perhaps be discussed with the county officials with the possibility of a joint venture at Bee Tree Lake and Lake Julian.

The City Manager advised he concurred with Mr. Vogenberger, and suggested that the committee composed of Councilmen Colton and Anderson and himself contact the county to discuss the possibility of a joint venture regarding Bee Tree Lake and Lake Julian, and the Council directed the City Manager to so proceed.

STREET WASHING IN BILTMORE

Councilman Atkinson discussed the washing of streets in Biltmore, and was advised by the City Manager that the city isn't responsible for washing state system streets, but that he would look into the matter.

TREES ON PRIVATE PROPERTY

Councilman Atkinson discussed the removal of trees from private property where owner could not be located, and in particular a tree at 82 Carver Street, and was advised by the City Manager that he would have the Building Inspector's forces look into the matter.

EXPECTORATING ON SIDEWALKS AND FLOORS OF PUBLIC BUILDINGS

Councilman Keleher called attention to the section of the City Code which forbids expectorating on sidewalks and floors of public buildings, and urged that this section be better enforced.

MODEL CITIES COMMISSION - DEATH OF MEMBER JOSEPH E. BELTON

Councilman Dailey advised that due to the death of Joseph E. Belton a vacancy existed on the Model Cities Commission, and presented the name of Arthur Eddington for this position.

The City Clerk was requested to write the School Board and request a suggestion for a representative from the field of education for the Model Cities Commission, and advise the Board that Mr. Dailey had suggested the name of Arthur Eddington.

Regular Meeting Thursday, February 25, 1971 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Barbara C. Keleher, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

Absent: Councilmen Webster Anderson, Henry E. Colton and Robert P. Crouch

1. Approval of minutes of meeting of February 18, 1971

The minutes were approved as submitted.

ORDINANCE NO. 695 - AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS

The City Manager advised that he had received a letter from a property owner in the area of the proposed pool hall district who took no position on the ordinance, but made the request that protection of his property between this and the other pool hall district be taken care of to prevent congestion of access in and to his property. The City Manager advised that this is an administrative matter.

Ordinance No. 695, being "AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS", was unanimously passed on its second reading.

CIVIC REDEVELOPMENT PROJECT NC R-13 - bid proposal for Parcel 16a - ACCEPTED

3. Consideration of a bid proposal for Parcel 16a in the Civic Redevelopment Project.

Resolution No. 71-20, being "RESOLUTION ACCEPTING THE CONDITIONS OF A BID PROPOSAL FOR PARCEL 16a IN THE CIVIC REDEVELOPMENT PROJECT NC R-13 RECEIVED BY THE REDEVELOPMENT COMMISSION OF THE CITY OF ASHEVILLE TUESDAY, FEBRUARY 23, 1971", was, upon motion of Councilman Keleher, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book 5 at page 598.

Mr. William Cecil, on behalf of the Asheville Community Theater, Inc. thanked the Council for passing this resolution.

ZONING ORDINANCE - AMENDMENT REQUESTED - Lots on Jefferson Drive and Clingman Avenue

4. Consideration of a request to rezone property located on Jefferson Drive and Clingman Avenue from RA-5 Residential to Industrial.

This request was referred to the Planning and Zoning Commission for study and recommendation.

COMMUNITY RENEWAL PROGRAM - RESOLUTION AUTHORIZING MAYOR TO FILE APPLICATION FOR FEDERAL GRANT

5. Consideration of a resolution approving the preparation of a Community Renewal

Regular Meeting Thursday, March 4, 1971 - 3:00 o'clock P. M.

Present. Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III, Corporation Counsel J. M. Golding, and City Clerk Margaret Simmons.

Absent None

1. Approval of minutes of meeting of February 25, 1971.

The minutes were approved as submitted.

[illegible]

2. Public hearing on a resolution closing a portion of Locust Street lying in Parcel 7 of the Civic Redevelopment Project.

The Mayor declared the public hearing opened at 3:01 and the City Manager read the affidavit of publication and resolution. There was no objection, and the Mayor closed the public hearing at 3:04.

Resolution No. 71-20, being "RESOLUTION AUTHORIZING ABANDONMENT AND CLOSING AND DISCLAIMING ANY PUBLIC INTEREST IN LOCUST STREET FROM THE SOUTHERN RIGHT-OF-OF WAY OF OLD WOODFIN STREET, SOUTHERLY TO THE NORTHERN RIGHT-OF-WAY OF COLLEGE STREET AND COLLEGE PARK PLACE", was, upon motion of Councilman Colton, seconded by Councilman Keleher, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 600.

[illegible]

2 Public hearing on the amended site plan for Housing Project NC 7-11.

The Mayor declared the public hearing opened at 3:05, and the City Manager read the affidavit of publication and letter from the Director of Planning.

Speaking in opposition to the approval of said amended site plan were Cecil Jackson, Broadus E. Singleton, Bill Ramsey and [illegible] Rogers.

Speaking in favor of the approval of said amended site plan were Curtis Ratcliff, executive Director of the Asheville Housing Authority, and Reverend DeSaix.

The Mayor closed the public hearing at 3:49.

Councilman Dailey moved that the amended site plan for NC 7-11 be approved, and that the requested variances be accepted and approved, subject to the conditions recommended by the Director of Public Works and Mr. Buirgy, it appearing that all provisions of the subdivision ordinance have been complied with, which motion was seconded by Councilman Anderson and unanimously adopted.

[illegible]

4. Reading of a letter from the Planning and Zoning Commission recommending

ENKA HIGH SCHOOL BAND -
COMMENDED

The Mayor commended the Enka High School band and its director for the performance of the band in New Orleans.

FLUORIDATION - PROTEST OF
MISS McCOY

Miss McCoy protested the addition of fluoride and caustic soda to the city water supply.

Adjournment

MAYOR

CITY CLERK

memorial.

ASHEVILLE JUNIOR WOMEN'S CIVIC CLUB - REQUEST FOR PERMIT FOR FUND SOLICITATION DRIVE

9. Consideration of a request by the Asheville Junior Women's Civic Club for permission to hold a fund solicitation drive entitled "Walk for Mankind."

Mrs. Bunny Horton, President of the club, presented the request, and explained the fund solicitation, asking that the City Manager be requested to authorize the permit.

Councilman Keleher moved that the City Manager be directed to issue permit without the medical permission as provided by city ordinance, which motion was seconded by Councilman Dailey and unanimously adopted.

ASHEVILLE CITY SCHOOLS - COOPERATIVE AGREEMENT FOR OPERATION OF AFTER SCHOOL CENTERS PROJECT - ADOPTED

10. Consideration of a resolution authorizing the Mayor to enter into a cooperative agreement with the Asheville City Schools for operation of the After School Centers Project as part of the Asheville Comprehensive City Demonstration Program.

Resolution No. 71-24, being "RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO A COOPERATION AGREEMENT WITH ASHEVILLE CITY SCHOOLS FOR THE OPERATION OF THE AFTER-SCHOOL CENTERS PROJECT OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM", was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 602.

QUIT-CLAIM DEED - ASHEVILLE REDEVELOPMENT COMMISSION - Block 1, Parcel 42 in EAST RIVERSIDE URBAN RENEWAL PROJECT - To be advertised

11. Consideration of a resolution authorizing the Mayor to Execute quit-claim deed to the Asheville Redevelopment Commission for Block 1, Parcel 42 in the East Riverside Urban Renewal Project.

The Corporation Counsel advised that between two public agencies the property could be sold at private sale, but that it would be necessary to hold a public hearing after advertisement once a week for two consecutive weeks.

Councilman Colton moved that a public hearing be advertised at petitioner's expense, which motion was seconded by Councilman Dailey and unanimously adopted.

ASHEVILLE CITY - INNER-CITY CHALLENGE PROJECT

12. Consideration of a resolution amending the Asheville Comprehensive City Demonstration Program by the adoption and inclusion therein of a new project entitled "Inner-City Challenge."

Councilman Dailey questioned whether the program would not lead to all-black Girl Scout organizations.

approval of the final subdivision plat of Windswept, Section I, off Caribou Road.

Following a discussion, Councilman Keleher moved that said plat be approved, which motion was seconded by Councilman Crouch and unanimously adopted.

ORDINANCE NO. 695 - AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS

Ordinance No. 695, being "AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS", was unanimously passed on its third and final reading.

The City Clerk was directed to request the Tax Collector to refer the application to the Chief of Police, the Chief of the Fire Department, the Health Officer, and the Building Inspector for investigation and report.

SUPERIOR PERFORMANCE AWARD - MRS. CHARLENE NOBLETT AND MR. TY WEST

6. Consideration of a resolution conferring a Superior Performance Award to staff of the Asheville-Buncombe Technical Institute.

Resolution No. 71-23, being "RESOLUTION CONFERRING A SUPERIOR PERFORMANCE AWARD UPON THE STAFF OF THE ASHEVILLE-BUNCOMBE TECHNICAL INSTITUTE", was, upon motion of Councilman Crouch, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 601.

ZONING ORDINANCE - AMENDMENT REQUESTED (Lot 191, Sheet 8, ward 4 - Wesley Grant)

7. Consideration of a request by Reverend Wesley Grant, Sr., that property at 97 Choctaw be rezoned from Commercial to RA-5 or RA-6 Residential.

Councilman Dailey moved that the Planning and Zoning Commission be bypassed, and that the Council proceed with the rezoning of this property. There was no second.

Councilman Atkinson moved that this request be referred to the Planning and Zoning Commission for study and recommendation, which motion was seconded by Councilman Colton and adopted.

SPRUCE STREET - DISCUSSION

8. Discussion of the October 17, 1968 closure of Spruce Street in the Civic Redevelopment Project.

The City Manager presented the resolution of October 17, 1968 which closed Spruce Street and several other streets and alleys in the Civic Redevelopment Project.

Mr. Fred Wolfe spoke on the subject and requested that the Thomas Wolfe Memorial not be cut off from egress and ingress and from view by construction of the Asheville Community Theatre on adjoining property.

Mr. Wolfe was assured by the City Manager that a pedestrian walkway 20 feet in width would extend along the front of the Thomas Wolfe Home, and the theater, and that a parking area with space for 72 vehicles would be located at the other side of the

The matter was discussed by the Council, and Councilman Keleher suggested that the fair increase its admission price to $1.25.

Other speakers were Mr. Floyd Downs and Grover Redmon.

Council members expressed a strong desire to keep the Craftsman's Fair in Asheville, but said they felt the taxpayers should not be expected to bear the cost.

Following the discussion, Councilman Dailey moved that the new rate schedule for the auditorium be adopted effective July 1, 1971, which motion was seconded by Councilman Crouch and unanimously adopted.

PROCLAMATION - BACK THE BULL-DOGS WEEK

The Mayor proclaimed the week of March 4th through 11th as "Back the Bull-Dogs" Week in Asheville.

Adjournment

MAYOR

CITY CLERK

Mrs. Bertha Buff, executive director of the Pisgah Girl Scout Council, and Mrs. Blaine Armstrong, Girl Scout neighborhood chairman, outlined the aims of the program. Mrs. Armstrong said camping activities were of great value to girls in the Model Cities neighborhood, and that although "non-white," they would be involved with other troops, and that the project could not wait until the entire area had been residentially integrated.

Following the discussion, Resolution No. 71-25, being "RESOLUTION AMENDING THE ASHEVILLE COMPREHENSIVE CITY DEMONSTRATION PROGRAM BY ADOPTION AND INCLUSION THEREIN OF A NEW PROJECT, ENTITLED INNER CITY CHALLENGE", was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book5 at page 603.

ASHEVILLE AIRPORT - agreement
with NORTH CAROLINA FOREST SERVICE

13. Consideration of a resolution authorizing the Mayor to enter into an agreement granting the North Carolina Forest Service use of one acre of land at the Asheville Airport.

Resolution No. 71-26, being "RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT GRANTING THE NORTH CAROLINA FOREST SERVICE USE OF ONE ACRE OF LAND AT THE ASHEVILLE AIRPORT", was, upon motion of Councilman Keleher, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 604

ASHEVILLE AIRPORT - CONTRACT
WITH FEDERAL AVIATION ADMINISTRATION -
APPROACH LIGHT LANE AND INSTRUMENT
LANDING SYSTEM SITE

14. Consideration of a resolution authorizing the Mayor to execute a contract with the FAA concerning the approach light lane and the instrument landing system site at the Asheville Airport.

Resolution No. 71-25, being "RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE FAA CONCERNING THE APPROACH LIGHT LANE AND THE INSTRUMENT LANDING SYSTEM SITE AT THE ASHEVILLE AIRPORT", was, upon motion of Councilman Atkinson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 5 at page 605.

SOUTHERN HIGHLAND CRAFTSMAN'S FAIR -
REQUEST FOR FREE USE OF AUDITORIUM

15. Consideration of a presentation by the Asheville Tourist Association requesting that the Southern Highland Craftsman's Fair be granted free use of the City Auditorium.

Mr. Robert Gray, director of the Southern Highland Handicraft Guild which sponsors the annual Craftsman's Fair, reviewed the history of the fair, stated that the Board of Directors has been advised that the rent of the auditorium and services would be $2,525 this year, and further that several cities are seeking to have the fair moved there and that they offer better facilities than those available here and at one-cost.

Mr. Ralph Morris, Jr., vice Chairman of the Guild, also spoke on this subject.

CIVIC REDEVELOPMENT PROJECT
BID PROPOSAL FOR PARCEL 7

5. Consideration of a bid proposal for parcel 7 of the Civic Redevelopment project.

Mr. Will King, Assistant Director of the Redevelopment Commission, advised that a bid proposal had been received in the amount of $42,943.00, and that the Redevelopment Commission recommended acceptance of said bid proposal.

Councilman Atkinson moved that the bid proposal be accepted, which motion was seconded by Councilman Colton and unanimously adopted.

[illegible] OF PARCEL 12
[illegible] REDEVELOPMENT PROJECT

Mr. Will King advised that Parcel 12 had been subdivided into two Parcels and asked that the Council approve this subdivision.

Councilman Keleher moved that the Council approve the subdivision of Parcel 12 into two parcels, which motion was seconded by Councilman Dailey and unanimously adopted.

MARCH OF DIMES WALK-A-THON
PERMIT RATIFIED

6. Consideration of a request by the March of Dimes for permission to hold a fund solicitation drive entitled "Walk-A-Thon".

Mrs. Ethelyn Brasington, Executive Director of the March of Dimes, requested the Council to ratify a permit granted by the City Manager for the March of Dimes to hold a fund solicitation drive entitled "Walk-A-Thon".

Councilman Atkinson moved that this permit be ratified, which motion was seconded by Councilman Crouch and unanimously adopted.

ORDINANCE [illegible] - AN ORDINANCE [illegible]
A 25 MILE PER HOUR SPEED LIMIT ON DESIGNATED
CITY STREETS BETWEEN THE HOURS OF
7:45 O'CLOCK A. M. AND 9:00 O'CLOCK A. M. AND
BETWEEN THE HOURS OF 2:00 O'CLOCK P. M. AND
4:00 O'CLOCK P. M. ON ANY DAY THAT THE
ASHEVILLE CITY SCHOOLS ARE IN SESSION

Councilman Colton moved that Ordinance #694, being "AN ORDINANCE ESTABLISHING A 25 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 O'CLOCK A. M. AND 9:00 O'CLOCK A. M. AND BETWEEN THE HOURS OF 2:00 o'clock P. M. and 4:00 o'CLOCK P. M. ON ANY DAY THAT THE ASHEVILLE CITY SCHOOLS ARE IN SESSION" be removed from the table, which motion was seconded by Councilman Crouch and unanimously adopted.

The Corporation Counsel then read a letter from Paul Dutcher, Traffic Engineer, recommending the passage of said ordinance, and the establishment of a 25 mile per hour speed limit on Livingston Street and Mountain Street.

Ordinance No. 694 was then unanimously passed on its second reading.

Regular Meeting Thursday, March 11, 1971 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Luke Atkinson, Ruben Dailey, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

Absent: City Manager Phin. Horton, III

1. Approval of minutes of meeting of March 4, 1971.

The minutes were approved as submitted.

SUPERIOR [illegible]
[illegible], N. Sales and Michael F. Keleher

2. Consideration of a resolution conferring Superior Performance Awards upon Philip N. Sales and Michael F. Keleher.

Resolution No 71-28, being "RESOLUTION CONFERRING SUPERIOR PERFORMANCE AWARDS UPON PHILIP N. SALES AND MICHAEL F. KELEHER", was, upon motion of Councilman Anderson, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book #6 at page 1.

Councilman Dailey moved that Nilous M. Avery be elected to one of these positions. There was no second to the motion.

ASHEVILLE SCHOOL BOARD - appointment of
members W. C. Doud and Thomas C. Harrison

3. Consideration of a resolution appointing members of the Asheville School Board.

Resolution No. 71-29, being "RESOLUTION APPOINTING MEMBERS OF ASHEVILLE SCHOOL BOARD", was, upon motion of Councilman Keleher, seconded by Councilman Anderson, adopted with Councilman Dailey voting no.

Complete copy of resolution will be found in Resolution Book #6 at page 2.

Councilman Dailey said a black person should have been considered for one of these positions.

Mayor Montgomery said the Council had considered a black person, but had seen no black person nominated who has the credentials that Doud and Harrison possess.

SITE PLAN NC 7-8 - PUBLIC HEARING
TO BE ADVERTISED

4. Consideration of authorizing a public hearing at the petitioner's expense for the site plan for Housing Project NC 7-8 in the East Riverside Urban Renewal Area

The Corporation Counsel read a letter from the Director of Planning recommending that said site plan be approved subject to a variance of permitting parking on a ratio of 1:1.

Councilman Colton moved that a public hearing be advertised on said site plan at petitioner's expense, which motion was seconded by Councilman Anderson and unanimously adopted.

Resolution No. 71-32, being "RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE MERCHANT CONSTRUCTION COMPANY, R S W, INC., MOSER PLUMBING COMPANY AND DAVIS ELECTRIC COMPANY FOR THE CONSTRUCTION OF THE NEW ASHEVILLE TRANSIT AUTHORITY BUS GARAGE", was, upon motion of Councilman Colton, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution book 6 at page 5.

STREET ... TERM MARGIN
OF LAUREL STREET - REFUSAL
TO ACCEPT AS PUBLIC STREET

11. Consideration of a resolution declining and refusing to accept a 30 foot street on the eastern margin of Laurel Street as a public street.

Mr. Lent, attorney, explained the reason for such request

Resolution No. 71-33, being "RESOLUTION DECLINING AND REFUSING TO ACCEPT A THIRTY FOOT STREET ON THE EASTERN MARGIN OF LAUREL STREET AS A PUBLIC STREET", was, upon motion of Councilman Crouch, seconded by Councilman Keleher, unanimously adopted

Complete copy of resolution will be found in Resolution Book 6 at page 6.

CLAIM FOR DAMAGES - MOTION
[illegible]

A claim for damages was filed on behalf of Mrs. Pauline L. Cronmyer in the amount of $5,[illegible].

This claim was referred to the Corporation Counsel

IRA A. BROWN

Councilman Atkinson discussed the case of Ira A. Brown, a former employee of the Water Department, who has become totally disabled by reason of a back injury and cardiac condition. Mr. Brown has no means of livelihood, and Councilman Atkinson wondered if there was anything the city could do to help him.

This matter was referred to the City Manager for investigation.

SPEEDING ON CONGRESS STREET

Mr. Luther L. Thomas discussed speeding on Congress Street, advising that a great deal of it is done by cars from Asb Tech, and requesting that something be done to correct this condition

This matter was referred to the City Manager

Adjournment

MAYOR

CITY CLERK

ORDINANCE NO. 696 - AN ORDINANCE ESTABLISHING A 25 MILE PER HOUR SPEED LIMIT ON LIVINGSTON STREET AND MOUNTAIN STREET

Ordinance No. 696, being "AN ORDINANCE ESTABLISHING A 25 MILE PER HOUR SPEED LIMIT ON LIVINGSTON STREET AND MOUNTAIN STREET", was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously passed on its first reading.

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS - DISPENSED WITH

Councilman Anderson moved that the Charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Atkinson and unanimously adopted.

ORDINANCE NO. 696 - AN ORDINANCE ESTABLISHING A 25 MILE PER HOUR SPEED LIMIT ON LIVINGSTON STREET AND MOUNTAIN STREET

Ordinance No. 696 was then unanimously passed on its second reading.

MODEL CITIES - AMENDMENT TO PROJECT TO INCLUDE FACILITY MAINTENANCE AND ON-THE-JOB TRAINING PROGRAM

8. Consideration of a resolution amending the Asheville Comprehensive City Demonstration Program by the adoption and inclusion therein of the new project entitled Facility Maintenance and On-the-Job Training Program.

Mr. Jerry Annis, Executive Director of Handi-Skills, explained the new project

Resolution No. 71-30 was then upon motion of Councilman Anderson, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 3.

MODEL CITIES - AMENDMENT OF PROJECT TO INCLUDE EMPLOYMENT SERVICE SYSTEM

9 Consideration of a resolution amending the Asheville Comprehensive City Demonstration Program by the adoption and inclusion therein of a new project entitled Employment Service System.

Mr. Scott Muldoon of the Model Cities staff explained the new project.

Resolution No. 71-31 was then upon motion of Councilman Anderson, seconded by Councilman Keleher, unanimously adopted.

Complete text of resolution will be found in Resolution Book 6 at page 4.

ASHEVILLE TRANSIT AUTHORITY BUS GARAGE - CONTRACT

10. Consideration of a resolution authorizing the Mayor to execute a contract for the construction of the new Asheville Transit Authority bus garage.

Anderson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 7.

CAMELOT, SECTION II -
PLAT APPROVED

5. Reading of a letter from the Planning and Zoning Commission recommending approval of the final subdivision plat for Section II of Camelot, a development of the Imperial Land Company.

The City Manager read the letter, and the Mayor asked about recreation areas being set aside in developments.

The City Manager suggested that the Metropolitan Planning Board staff should make a recommendation with regard to reservation of recreation areas within subdivisions.

Councilman Anderson moved that the Planning staff report on the feasibility of reserving of areas for recreation purposes in developments, which motion was seconded by Councilman Colton and unanimously adopted.

Councilman Keleher then moved that the final plat of Section II of Camelot be approved, which motion was seconded by Councilman Colton and unanimously adopted.

PROCLAMATION - NATIONAL
WILDLIFE WEEK

The Mayor read a proclamation designating the week of March 21st through 27th as National Wildlife Week, and welcomed members of the Ranger Rick Nature Club.

RESOLUTION DECLARING
PROPERTY

6. Consideration of a resolution declaring property owned by the City of Asheville at 100 Kimberly Avenue to be surplus

Resolution No. 71-25, being "RESOLUTION DECLARING PROPERTY OWNED BY THE CITY OF ASHEVILLE AT 100 KIMBERLY AVENUE TO BE SURPLUS", was, upon motion of Councilman Anderson, seconded by Councilman Bailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book No. 6 at page 8.

AGREEMENT - LEASE WITH
FAA FOR CONTROL TOWER

7. Consideration of a resolution authorizing the Mayor to execute a lease with the FAA for use of the control tower at the Asheville Airport

Resolution No. 71-26, being "RESOLUTION AUTHORIZING THE EXECUTION OF LEASES TO UNITED STATES GOVERNMENT. Nos. DOTFA71SO-6027 and DOTFA71SO-6028", was, upon motion of Councilman Colton, seconded by Councilman Keleher, unanimously adopted.

Complete copy of resolution will be found in Resolution Book No. 6 at page 9.

Regular Meeting Thursday, March 18, 1971 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phil. Horton, III and City Clerk Margaret Simmons.

Absent: J. N. Golding, Corporation Counsel

1. Approval of minutes of meeting of March 11, 1971.

The minutes were approved as submitted.

ORDINANCE #694 - AN ORDINANCE ESTABLISHING A 20 MILE PER HOUR SPEED LIMIT ON DESIGNATED CITY STREETS BETWEEN THE HOURS OF 7:45 o'clock A. M. and 9:00 o'clock A. M. and between the hours of 2:00 o'clock P. M. and 4:00 o'clock P. M. OF ANY DAY THAT THE ASHEVILLE CITY SCHOOLS ARE IN SESSION

2. Third reading of Ordinance #694, an ordinance establishing a 20 mile per hour speed limit in school zones, and third reading of Ordinance 696, an ordinance establishing a 25 mile per hour speed limit on Livingston Street and Mountain Street.

Ordinance #694 was unanimously passed on its third and final reading.

ORDINANCE NO. 696 - AN ORDINANCE ESTABLISHING A 25 MILE PER HOUR SPEED LIMIT ON LIVINGSTON STREET AND MOUNTAIN STREET

Ordinance No. 696 was unanimously passed on its third and final reading.

WATER QUALITY STUDY REPORT

3. Presentation of a report entitled 'Water Quality Study for the City of Asheville" by O'Brien & Gere.

Mr Charles Willis of the firm of O'Brien & Gere presented said report, which recommended physical improvements costing an estimated $4,723,600 be provided to correct bacteriological and other deficiencies in Asheville's water supply. Mr. Willis answered questions concerning said study.

Miss Fannie McCoy protested the addition of fluoride and caustic soda to the water supply.

PITOMETER ASSOCIATES - CONTRACT

4. Consideration of a resolution authorizing the Mayor to execute an agreement with The Pitometer Associates for the testing of selected large water meters in the Asheville water system.

Resolution No. 71-24, being "RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH PITOMETER ASSOCIATES FOR THE TESTING OF SELECTED LARGE WATER METERS IN THE ASHEVILLE WATER SYSTEM", was, upon motion of Councilman Crouch, seconded by Councilman

Regular Meeting Thursday, March 25, 1971 - 3 [illegible] M.

Present: Mayor Wayne S. M[illegible], Councilman Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager [illegible]erton, III, Corporation Counsel J. A. Golding, and City Clerk Margaret Simmons.

Absent: Councilman Henry E. C[illegible]

1. Approval of minutes of meeting of March 18, 1971

The minutes were approved as submitted.

[illegible]

2. **Public hearing to consider a resolution** authorizing the sale of property in the East Riverside Urban Renewal Area by the City of Asheville to the Redevelopment Commission.

The Mayor opened the public hearing at [illegible]. There was no objection. The Mayor declared the public hearing at [illegible].

Resolution No. 71-[illegible], being "A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK OF THE CITY OF ASHEVILLE, NORTH CAROLINA TO EXECUTE A QUITCLAIM DEED TO THE REDEVELOPMENT COMMISSION OF THE CITY OF ASHEVILLE", was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book [illegible] at page 13.

[illegible]

3. **Consideration of a resolution accepting the resignations** of J. David Armstrong, Perry F. DeSaix and Robert V. Mathison from the Asheville Housing Authority, effective March 31, [illegible].

Resolution No. 71-31, being "RESOLUTION ACCEPTING THE RESIGNATIONS OF JAMES DAVID ARMSTRONG, ROBERT V. MATHISON AND P. F. DeSAIX AS COMMISSIONERS OF THE ASHEVILLE HOUSING AUTHORITY" was, upon motion of Councilman Keleher, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 14.

[illegible]

4. Consideration of a resolution conferring superior Performance Awards upon J. David Armstrong, Perry F. DeSaix and Robert V. Mathison.

Resolution No. 71-32, being "RESOLUTION CONFERRING SUPERIOR PERFORMANCE AWARDS UPON J. DAVID ARMSTRONG, PERRY F. DeSAIX AND ROBERT V. MATHISON" was upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 15.

MODEL CITIES - SENIOR OPPORTUNITIES AND SERVICE PROJECT

8. Consideration of a resolution authorizing amendments to the Senior Opportunities and Service Project of the Comprehensive City Demonstration Program.

The City Manager read the resolution and advised the cost would be $77,904, and Mr. Delany explained the project.

Following a discussion, Resolution No. 71-27, being 'RESOLUTION AUTHORIZING AMENDMENTS TO THE SENIOR OPPORTUNITIES AND SERVICE PROJECT OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM", was, upon motion of Councilman Dailey, seconded by Councilman Anderson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 10.

APPRAISALS OF HERRING SCHOOL PROPERTY - CONTRACTS

9. Consideration of a resolution authorizing the Mayor to execute a third party contract for two appraisals of the Herring School property in conjunction with the Neighborhood Facility Grant Application by the Model Cities Commission.

Following a discussion, Resolution No. 71-28, being "RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THIRD PARTY CONTRACTS FOR TWO APPRAISALS OF THE HERRING SCHOOL PROPERTY IN CONJUNCTION WITH A NEIGHBORHOOD FACILITY GRANT APPLICATION UNDER THEMODEL CITIES PROGRAM", was, upon motion of Councilman Colton, seconded by Councilman Andereon, adopted with Councilman Keleher voting no.

LICENSE TO OPERATE POOL HALL, THELMA P. TURBYFILL - GRANTED

The City Manager presented a request of Mrs. Thelma P. Turbyfill to operate a pool hall at 1655 Haywood Road, together with letters from the Chief of Police, Chief of Fire Department, Building Inspector, and Health Department.

Councilman Dailey moved that the license be granted, which motion was seconded by Councilman Keleher and unanimously adopted.

BEAUCATCHER TUNNEL - OPEN CUT URGED

Councilman Colton introduced a resolution urging the North Carolina State Highway Commission and Governor Robert Scott to continue to exert every effort to obtain cooperation by the Federal Highway Administration to proceed with the open cut immediately, and, following a discussion, said resolution was, upon motion of Councilman Colton, seconded by Councilman Atkinson, adopted with Councilman Anderson voting no.

Complete copy of resolution will be found in Resolution Book 6 at page 11

RECREATION AREAS IN DEVELOPMENTS

Mr Roger Grant, Jr. stated that residents of developments do not want recreation areas set aside within the developments.

Adjournment

MAYOR

CITY CLERK

Councilman Anderson suggested the outlawing of disposable containers, and the Mayor advised that he was in the process of getting information on this subject

Adjournment

MAYOR

CITY CLERK

SUPERIOR PERFORMANCE AWARDS - DAVID K. HALL AND D. BIEMAN McKENZIE

5. Consideration of a resolution conferring Superior Performance Awards upon David K. Hall and D. Bieman McKenzie.

Resolution no. 71-33, being "RESOLUTION CONFERRING SUPERIOR PERFORMANCE AWARDS UPON DAVID K. HALL AND D. BIEMAN McKENZIE", was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 16

AMENDMENT TO RESOLUTION NO. 70-126

6. Consideration of a resolution amending Resolution No. 70-126.

Resolution No. 71-34, being "RESOLUTION AMENDING RESOLUTION 70-126", was, upon motion of Councilman Anderson, seconded by Councilman Keleher, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 17

MODEL CITIES COMMISSION - APPOINTMENT OF MEMBER (Arther R. Edington)

7. Consideration of a resolution appointing a member to the Model Cities Commission

Resolution No. 71-35, being "RESOLUTION APPOINTING MEMBER TO THE MODEL CITIES COMMISSION", was, upon motion of Councilman Dailey, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 18.

TRIANGLE CONSULTANT ASSOCIATES, INC. - REPORT

8 Presentation of a report by Triangle Consultant Associates, Inc., on Citizen Participation Training in the Model Cities Target Area

Mr. W. L. Riddick of Triangle Consultant Associates, Inc., gave a status report on progress made on a Citizens Participation Program, advising that they were making progress on their three major objectives, training and developing staff involving citizens, opening lines of communication between target residents and agencies that have an impact on Model Cities, and getting residents themselves into the Model Cities planning and programs through the task forces.

RANGER RICK NATURE CLUB - REPORT

9. Presentation of a report by the Ranger Rick Nature Club on the collection of clear glass and newspapers.

Fifteen members of the Ranger Rick Nature Club, ranging in age from 5 to 12 years, presented Council with pertinent facts on pollution and waste recycling. Members of the Club gave figures on how much clear glass and newspapers had been saved by the City Council and City Manager during the previous week. The presentation was concluded with the , lea that if all Americans would save clear glass and newspapers for recycling, the United States would have fewer problems with pollution and disposable waste.

GIRL SCOUTS

The Mayor welcomed Girl Scouts of the Pisgah Girl Scout Council who had spent the day with various department heads.

The Scouts thanked the Council for this opportunity, made a brief talk on ecology and asked questions as to what the city was doing about the problem.

[illegible]

5. Consideration of a resolution directing the Planning and Zoning Commission to prepare and certify a zoning plan for all property within one mile of the corporate limits of the City of Asheville and further to request the Buncombe County Commissioners to appoint five members from the one mile area to serve on the Planning and Zoning Commission.

Following a discussion, Resolution No. 71-28, being "RESOLUTION DIRECTING THE PLANNING AND ZONING COMMISSION TO PREPARE AND CERTIFY A ZONING PLAN FOR ALL PROPERTY WITHIN ONE MILE OF THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE AND FURTHER TO REQUEST THE BUNCOMBE COUNTY COMMISSIONERS TO APPOINT FIVE MEMBERS FROM THE ONE MILE AREA TO SERVE ON THE PLANNING AND ZONING COMMISSION," was, upon motion of Councilman Colton, seconded by Councilman [illegible], unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 21.

RESOLUTION [illegible]
AUTHORIZING [illegible]
OF [illegible]

6. Consideration of a resolution accepting the resignation of a member of the Planning and Zoning Commission of the City of Asheville.

Resolution No. 71-30, being "RESOLUTION ACCEPTING RESIGNATION OF MRS. EARL [illegible] AS A MEMBER OF THE PLANNING COMMISSION OF THE CITY OF ASHEVILLE," was, upon motion of Councilman Belcher, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 22.

BIDS - RENTAL UNIFORM SERVICE

7. **Consideration of bids received March 22nd for rental uniform service** for various city departments.

The City Manager advised that after due advertisement bids had been received for rental uniform service as follows:

Rental Uniform Service	Towel & Coverall Laundry	Carpet and Mat Rental	Rental Uniform Service
$2,721.2	$1,[illegible]8	$ [illegible]	$1,78[illegible]

and recommended acceptance of the low bid of Carpet and Mat Rental in the amount of $3,7[illegible]2.

Regular Meeting Thursday, April 1, 1971 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Wm. Horton, III, Corporation Counsel J. N. Golding and City Clerk Margaret Simmons.

Absent. Councilman Robert P. Crouch

1 Approval of minutes of meeting of March 25, 1971.

The minutes were approved as submitted

SITE PLAN - HOUSING PROJECT NC 7-8 - APPROVED

2. Public hearing on the Site Plan of Housing Project NC 7-8 in the East Riverside Redevelopment area.

The Mayor opened the public hearing at 3:03.

Mr. Bertram King, architect, spoke on the project and answered questions, and Mr. Ray Wheeling also answered questions.

The Mayor closed the public hearing at 3:17.

Councilman Anderson moved that the site plan with two variances, parking on a ratio of 1 to 1 and letter from R. R. Quirgy regarding water and sewer, be approved, which motion was seconded by Councilman Colton and unanimously adopted.

PAVING - Oak Knoll, Pineview Road, a portion of Salem Avenue, Debra Lane, Rose Street and Greystone Road

3. Consideration of a resolution for the paving of Oak Knoll, Pineview Road, a portion of Salem Avenue, Debra Lane, Rose Street and Greystone Road

Resolution No. 71-36, being "RESOLUTION DESIGNATING IMPROVEMENTS UNDER ARTICLE 9, CHAPTER 160 OF THE GENERAL STATUTES FOR THE PAVING OF OAK KNOLL, PINEVIEW ROAD, PORTION OF SALEM AVENUE, DEBRA LANE, ROSE STREET AND GREYSTONE ROAD", was, upon motion of Councilman Dailey, seconded by Councilman Keleher, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 19.

EAST END URBAN RENEWAL AREA - SURVEYS AND PLANS

4. Consideration of a resolution approving the filing of an application for surveys and plans for the East End Urban Renewal area.

Mr. Ray Wheeling, Executive Director of the Redevelopment Commission, explained the project.

Following a discussion, Resolution No. 71-37, being "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA APPROVING UNDERTAKING OF SURVEYS AND PLANS FOR THE EAST END URBAN RENEWAL AREA AND FILING OF AN APPLICATION", was, upon motion of Councilman Anderson, seconded by Councilman Atkinson, adopted with Councilmen Keleher and Colton voting no.

Complete copy of resolution will be found in Resolution Book 6 at page 20.

LITTER CONTROL AND SOLID WASTE DISPOSAL

The Mayor discussed litter control and solid waste disposal, and called for enforcement efforts that would encourage private citizens to clean up their own property, and asked the Council to consider recommending to state legislators the creation of a Commission on Recycling.

The City Attorney Counsel was asked to report on what laws are already in effect in regard to littering, and to draw a resolution for presentation to the state legislature.

Councilman Colton called attention to the vacant lot on Barnard Avenue that was a concern to residents of the area because of the litter problem.

[illegible]

Mr. [illegible] suggested that some kind of recognition should be given to W. T. Stewart and Charlie Martin, both deceased, for what they did over the years to make Asheville more beautiful, and a better place to live.

[illegible]

Mr. Curtis Ratcliff, Executive Director of the Housing Authority, presented a resolution of the Housing Authority requesting determination as to when the Hillcrest Day Center would be in operation, advising that if it is to remain vacant for two or three more months the Housing Authority will put it in operation. Mr. Ratcliff explained that the Housing Authority built the Center, but it is to be leased to the Buncombe County Department of Social Services and operated by the Asheville Model Cities Commission as one of its first action year programs, that Mrs. Margaret Coman, County Social Services Director, has forwarded the necessary papers to the N. C. Department of Social Services, but cannot proceed further until the state agency approves the project.

The City Manager advised that he had talked to the Model Cities Coordinator in Raleigh in regard to this matter, and was waiting for a reply from said Coordinator.

Councilman Anderson suggested setting up a meeting with the City Manager, Mrs. Coman, Curtis Ratcliff, Gordon Greenwood, and it was decided to follow up on this.

Adjournment

MAYOR

CITY CLERK

Councilman Keleher stated she thought the bid should go to a local firm since there was very little difference in the price, and moved that the bid be awarded to Rental Uniform Service. There was no second to the motion.

Councilman Dailey moved that the low bid of Carolina Uniform Service in the amount of $3,736.20, which motion was adopted after being seconded by Councilman Anderson, with Councilman Keleher voting a

WATER LINE EXTENSION AGREEMENT -
DR. LOUIS C. WALLER AND WIFE

8. Consideration of a resolution authorizing the Mayor to execute an agreement for water line extensions in Woodside Hills, a development in the Enka area.

Resolution No. 71-40, being "RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH DR. LOUIS C. WALLER AND WIFE SUE B. WALLER CONCERNING WATER MAIN EXTENSIONS ALONG GLENCLIFF ROAD AND NORTH RIDGE LANE IN WOODSIDE HILLS SUBDIVISION, LOWER HOMINY TOWNSHIP, BUNCOMBE COUNTY" WAS, upon motion of Councilman Colton, seconded by Councilman Anderson, unanimously adopted.

Complete text of resolution will be found in Resolution Book 6 at page 23

CITY COUNCIL AUDIT COMMITTEE -
REPORT

9. Presentation of a report by the City Council Audit Committee concerning the audit for the fiscal year ending June 30, 1970.

Councilman Atkinson thanked the City Manager and Director of Finance for their help and cooperation, and gave a synopsis of the Audit Report of J. M. Pollen and Company, citing the inadequacies of former reports, and what has been done to correct these inadequacies.

MODEL CITIES COMMISSION -
APPOINTMENT OF MEMBER (Robert S. Adams)

Resolution No. 71-41, being "RESOLUTION APPOINTING A MEMBER TO THE MODEL CITIES COMMISSION", was, upon motion of Councilman Anderson, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 24.

PROCLAMATION - UNITED STATES
ARMY RESERVE COMMUNITY MONTH

The Mayor presented a proclamation designating the month of April as United States Army Reserve Community Month.

PROTEST DEMONSTRATION

The City Manager advised that he had issued a permit for a protest demonstration on Pack Square on Saturday, April 3, 1971 from 10 to 3 o'clock with regard to Lt. Calley.

PLAT - NORTH WOODS SUBDIVISION - APPROVED

5. Consideration of a letter from the Planning and Zoning Commission recommending approval of the final subdivision plat submitted by the Ashley Engineering Company for the North Woods Subdivision.

Councilman Crouch moved that the plat be approved, which motion was seconded by Councilman Colton and unanimously adopted.

BIDS - JANITORIAL SERVICES FOR MODEL CITIES

6. Consideration of bids received March 31st for janitorial service for the Model Cities Agency.

The City Manager advised that after due advertisement bids had been received as follows:

Two Brothers Janitorial Service	Felton Jackson, Sr.	Master Cleaning, Inc.
$8,953.20	$12,600.00	$7,464.00

Following a discussion by Council members Councilman Dailey moved that the low bid of Master Cleaning, Inc. be accepted, which motion was seconded by Councilman Atkinson.

Wayne Jackson, a member of the Commission, spoke in favor of acceptance of the high bid. Dicey Jackson also spoke in this behalf.

Speakers for acceptance for the low bid were George Gragg, Lonnie Gilliam, and James Hannah spoke for the middle bid.

The motion was then put to a vote and carried unanimously.

Resolution No. 71-43, being "RESOLUTION AUTHORIZING THE ACCEPTANCE OF A BID FOR JANITORIAL CLEANING SERVICE AND OPERATION OF BOILER ROOM FOR THE MODEL CITIES AGENCY BUILDING", was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 26.

ZONING ORDINANCE - AMENDMENT REQUESTED (Lot 282, Sheet 30, Ward 6)

7. Consideration of a petition submitted by Z. R. Sheppard requesting that Lot 282, Sheet 30, Ward 6 be rezoned from Roadside Business to Commercial.

This request was referred to the Planning and Zoning Commission for study and recommendation.

THE RESEARCH GROUP, INC. - RECOMMENDATION RE ZONING ADMINISTRATION

8. Discussion of two recommendations of The Research Group, Inc., concerning zoning administration and the role of the Planning and Zoning Commission.

Regular Meeting Thursday, April 8, 1971 - 3:00 o'clock P. M.

Present: Vice-Mayor Webster Anderson presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Ruben Dailey, Luke Atkinson, City Manager Phin. Horton, III and City Clerk Margaret Simmons.

Absent: Mayor Wayne S. Montgomery and Corporation Counsel J. N. Golding.

1. Approval of minutes of Meeting of April 1, 1971.

The minutes were approved as submitted.

REDEVELOPMENT COMMISSION - MERGED WITH HOUSING AUTHORITY

2. Public hearing on an amendment amending Resolution 70-126, concerned with the merger of the Asheville Urban Redevelopment Commission and the Asheville Housing Authority.

The Vice-Mayor declared the public hearing opened at 3:01.

Mrs. Roy Rogers spoke on urban renewal.

The Vice-Mayor closed thepublic hearing at 3:08.

Resolution No. 71-42, being "AMENDMENT TO RESOLUTION ABOLISHING THE REDEVELOPMENT COMMISSION OF THE CITY OF ASHEVILLE AND DESIGNATING THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE TO EXERCISE THE POWERS, DUTIES AND RESPONSIBILITIES OF A REDEVELOPMENT COMMISSION", was, upon motion of Councilman Colton, seconded by Councilman Keleher, unanimously adopted.

Complete text of resolution will be found in Resolution Book 6 at page 25.

ASHEVILLE ART MUSEUM - APPEAL FOR FUNDS

3. Presentation of an appeal by the Board of Directors of the Asheville Art Museum for City assistance in the operation of the Asheville Art Museum.

Mr. Richard B. Wynne presented the appeal for assistance, and requested that the City of Asheville consider in its budget a contribution of $4600.00 for the Asheville Art Museum.

Vice-Mayor Anderson advised that this contribution will be considered in making up the budget.

CIVIC REDEVELOPMENT PROJECT - SALE OF PARCEL 12B

4. Consideration of a bid proposal by Preferred Properties, Inc., for Parcel 12B in the Civic Redevelopment Project.

Mr. Will King, Assistant Director of the Redevelopment Commission, advised the Commission had received a bid proposal in the amount of $16,732.16 for Parcel 12B, and that said Commission has accepted said bid and recommends acceptance by the City Council.

Councilman Crouch moved that the bid proposal be accepted, which motion was seconded by Councilman Dailey and unanimously adopted.

Regular Meeting Thursday, April 15, 1971 - 3:00 o'clock P. M.

Present: Vice-Mayor Webster Anderson presiding; Councilmen Henry E. Colton, Robert P. Crouch, [illegible], Ruben Dailey, Luke Atkinson, City Manager Phin Horton, III, Corporation Counsel J. N. Golding and City Clerk Margaret Simmons.

Absent: Mayor Wayne S. Montgomery, and Mrs. Barbara C. Keleher, Councilman.

1. Approval of minutes of meeting of April 8, 1971.

The minutes were approved as submitted.

PRIMARY ELECTION - RESULTS

Mr. Alan Shaw, Chairman of the City Board of Elections, presented the results of the Primary held on April 13, 1971, and same were ordered filed in the office of the CIty Clerk.

HERITAGE WEEK

Junior

Miss Eliza Williams and two other students from David Millard/High School invited the Council to attend a special program on Heritage Week at David Millard on Thursday, April 22nd at 1.30 P. M.

CIVIC REDEVELOPMENT PROJECT - SALE OF PARCEL 6 APPROVED

2. Consideration of a bid proposal submitted by Mills Manufacturing, Inc., for Parcel 6 in the Civic Redevelopment Urban Renewal Area.

Mr. King advised the Council that a bid proposal in the amount of $10,529.53 had been submitted by Mills Manufacturing, Inc. for Parcel 6 in the Civic Redevelopment Urban Renewal Area, and the Redevelopment Commission recommended acceptance of the proposal.

Councilman Crouch moved that the bid proposal be accepted, which motion was seconded by Councilman Atkinson and unanimously adopted.

HOUSING AND REDEVELOPMENT COMMISSION - APPOINTMENT OF TWO MEMBERS (Jesse Ray and Luther Thigpen)

3. Consideration of a resolution appointing two members to the Housing and Redevelopment Commission.

The Vice-Mayor announced the appointment of Jesse Ray and Luther Thigpen as members of the Housing and Redevelopment Commission, and Jesse Ray was present and was sworn in as said member.

A. M. PULLEN AND COMPANY - CONTRACT TO AUDIT ACCOUNTS

4. Consideration of a resolution authorizing the Mayor to execute an agreement with A. M. Pullen and Company to audit the accounts of the City of Asheville, including the Firemen's and Policemen's Pension Fund for the fiscal year ending June 30, 1971.

The City Manager read two memorandums from Mr. Kmecza regarding the recommendations that the functions of zoning administration should be taken out of the Inspections Division and delegated to the Planning and Zoning Commission staff and that consideration should be given to abolishing the Planning and Zoning Commission and vesting zoning and subdivision regulations responsibilities in the Metropolitan Board.

Following a discussion, Councilman Crouch moved that the Planning and Zoning Commission staff work with Mr. Kmecza and the City Manager to prepare resolution embodying ideas discussed, which motion was seconded by Councilman Keleher and unanimously adopted.

PLANNING AND ZONING COMMISSION - RECOMMENDATION (Lot 191, Sheet 8, Ward 4)

The City Manager read a letter from the Planning and Zoning Commission recommending that the request of Reverend Wesley Grant that Lot 191, Sheet 8, Ward 4 be rezoned from Commercial to RA-5 or RA-6 be denied.

Reverend Grant spoke on the matter and asked for a public hearing.

Councilman Colton moved that a public hearing be held after due advertisement at city expense, which motion was seconded by Councilman Atkinson and unanimously adopted.

PROCLAMATION - YOUTH WEEK

The Vice-Mayor read a proclamation designating the week beginning April 11th as Youth Week

MOMENT OF PRAYER

The Vice-Mayor read a proclamation of Governor Scott requesting that North Carolinians pause together at 3:15 on Friday, April 9th to offer a minute of silent prayer for the well-being of prisoners of war in Vietnam.

HILLCREST DAY CARE CENTER - DISCUSSION

Mr. James Byrd discussed the Hillcrest Day Care Center, advising that his firm had put seven months of work into this project. Mr. Byrd alleged that the Social Services Department did not have anyone qualified to develop a comprehensive program.

Mr. Delany stated his concern is to get the best possible day-care program for Asheville as soon as possible no matter whether the Social Services staff, the Washington group, or both working in a joint venture, get the job done.

Mr. Best and Mrs. Betty Smith also spoke on this subject.

Following the discussion, Councilman Crouch moved that the City Manager arrange a meeting between representatives from Model Cities, Social Services, the City Council and the Board of County Commissioners, which motion was seconded by Councilman Dailey and unanimously adopted.

Mr. E. R. McCarthy also spoke.

Adjournment.

VICE-MAYOR

CITY CLERK

Regular Meeting [illegible] Thursday, April 22, 1971 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Ruben Dailey, Luke Atkinson, Webster Anderson, City Manager Phin. Horton, III, James W. Williams, representing James N. Golding, and Margaret Simmons, City Clerk.

Absent: Councilman Mrs. Barbara C. Keleher, and James N. Golding, Corporation Counsel.

1. Approval of minutes of meeting of April 15, 1971.

The minutes were approved as submitted.

CRESCENT STREET - DRAINAGE

2. Consideration of a petition submitted by residents of Crescent Street concerning the repair of faulty storm drainage.

The petition was not fully signed, so it was not presented.

CORPORATION COUNSEL - PAYMENT OF FEE

3. Consideration of a resolution authorizing payment to the Corporation Counsel for legal fees incurred in the Civic Center suit.

Resolution No. 71-46, being "RESOLUTION AUTHORIZING PAYMENT TO THE CORPORATION COUNSEL FOR LEGAL FEES INCURRED IN THE CIVIC CENTER SUIT", was, upon motion of Councilman Crouch, seconded by Councilman Anderson, unanimously adopted.

Complete text of resolution will be found in Resolution Book 6 at page 29.

BIDS - SUMMER UNIFORMS FOR POLICE DEPARTMENT

4. Consideration of bids received April 16th for summer uniforms for the Police Department.

The City Manager advised that after due advertisement bids had been received for summer uniforms for the Police Department as follows:

Asheville Army Store	Charles R. Stinette Company	The Hub Uniform Company
$5,073.73	$5,290.85	$5,494.64

and recommended that the bid be awarded the low bidder, Asheville Army Store in the amount of $5,073.73.

Councilman Colton moved that the bid be so awarded, which motion was seconded by Councilman Dailey and unanimously adopted.

CAROLINAS COUNCIL OF HOUSING AND REDEVELOPMENT OFFICIALS - INVITED TO HOLD CONVENTION IN ASHEVILLE

5. Consideration of a resolution inviting the Carolinas Council of Housing and Redevelopment Officials to hold their 1972 annual convention in Asheville.

Resolution No. 71-44, being "RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS WITH A. M. PULLEN AND COMPANY TO AUDIT THE ACCOUNTS OF THE CITY OF ASHEVILLE AND THE ACCOUNTS OF THE FIREMEN'S AND POLICEMEN'S PENSION FUND", was, upon motion of Councilman Ruben Dailey, seconded by Councilman Luke Atkinson, unanimously adopted.

Complete text of resolution will be found in Resolution Book NO. 6 at page 27.

SIGN - BILTMORE HOUSE AND GARDENS - PERMIT REFUSED

5. Consideration of a letter from the Planning and Zoning Commission concerning a request for a permit to erect a sign within 200 feet of the Expressway.

The City Manager read the letter which recommended that the permit not be granted.

Mr. Joe Poston of Lamar Dean Advertising Company spoke in favor of the granting of said permit.

Following a discussion, Councilman Colton moved that the Council accept the recommendation of the Planning and Zoning Commission staff, which motion was seconded by Councilman Dailey and unanimously adopted.

MODEL CITIES COMMISSION - APPOINTMENT OF MEMBER (Larry Burwell)

6. Consideration of a resolution appointing a member to the Model Cities Commission.

Resolution No. 71-45, being "RESOLUTION APPOINTING A MEMBER TO THE MODEL CITIES COMMISSION", was, upon motion of Councilman Atkinson, seconded by Councilman Dailey, unanimously adopted.

Complete text of resolution will be found in Resolution Book 6 at page 28.

VACANT LOTS ON BARNARD AVENUE - REQUEST TO BE CLEANED

Mrs. Karl Pettit presented a petition signed by a number of persons requesting that something be done to clean off some vacant lots on Barnard Avenue.

Counsel

The Corporation read sections from the Code which provide that the city can compel owners to clean up lots or send city employees onto private property to do the job.

The City Clerk was requested to write the Board of Tax Supervision and request that said Board initiate tax foreclosure proceedings against said property.

Mrs. Murry Miller of the Keep Asheville Beautiful Committee said the city has ordinances and an environmental inspector but doesn't seem to be doing an adequate enforcement job.

Mr. Johnson stated that the citymakes inspections every day, cites violators every day, and is making progress on the enforcement effort, but that the problem of taking action against unknown property owners remains.

Adjournment

VICE-MAYOR

CITY CLERK

WHEREAS, the "Comprehensive Child Development Program" of the City Demonstration Agency, which was developed by the appropriate task forces working with the residents of the model neighborhood, and it was approved by the Model Cities Commission, City Council, and appropriate state and federal agencies, states in part, 'The Department of Social Services is qualified to operate a comprehensive Child Development Program' and 'The Department of Social Services is committed to the Model Cities Program.'

Therefore, I move that the City Manager be directed to prepare for City Council approvel the necessary contract with Buncombe County for the operation of this program.

There was no second to the motion.

ZONING ORDINANCE - AMENDMENT
REQUESTED (Lots 4 and 5,
Sheet 30, Hazel Ward)

The City Manager presented the request of C. P. Grimes that Lots 4 and 5, Sheet 30, Hazel Ward, be rezoned from Roadside Business to Commercial.

This request was referred to the Planning and Zoning Commission for study and recommendation.

The City Manager urged that requests for rezoning be initiated with the Planning staff instead of the City Council, and suggested that the Corporation Counsel look into this to see if an amendment to the zoning ordinance is necessary to effect this change.

Councilman Colton moved that the matter be studied by the Corporation Counsel, which motion was seconded by Councilman Dailey and unanimously adopted.

STUMPTOWN AREA - PROTEST
TO PARKS

Councilman Dailey advised that the senior residents of Stumptown protested the construction of parks in this area.

This matter was referred to the Recreation Advisory Board.

HOUSING PROJECT - MORNINGSIDE

Mr. Albert McLean requested information as to the status of the housing project proposed for the Morningside area of Kenilworth.

Mr. Curtis Radcliff was requested to write an answer to Mr. McLean.

HILLCREST DAY CARE CENTER

Mrs. Lillie Mae Semple spoke of the need for the Hillcrest Day Care Center, and Mr. Al Blackwell also spoke on this subject.

Adjournment.

W S Hmmmmm
MAYOR

CITY CLERK

Resolution No. 71-47, being "RESOLUTION INVITING CAROLINAS COUNCIL OF HOUSING AND REDEVELOPMENT OFFICIALS TO HOLD THEIR 1972 ANNUAL CONVENTION IN ASHEVILLE, NORTH CAROLINA", was, upon motion of Councilman Crouch, seconded by Councilman Anderson, unanimously adopted.

Complete text of resolution will be found in Resolution Book 6 at page 30.

EAST END URBAN RENEWAL PROJECT - REPORT

6. Report by the Executive Director of the Housing and Redevelopment Commission concerning the Surveys and Plans application for the East End Urban Renewal Project.

Mr. Ray Wheeling reported that the final figure for the surveys and plans application was $264,581.00.

The matter was discussed by the Council.

RECREATION PARK SWIMMING POOL - FAMILY ADMISSION CHARGE

7. Consideration of a resolution establishing a family admission charge at the Recreation Park swimming pool.

Resolution No. 71-48, being "RESOLUTION ESTABLISHING A FAMILY ADMISSION CHARGE AT THE RECREATION PARK SWIMMING POOL", was, upon motion of Councilman Colton, seconded by Councilman Crouch, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 31.

HILLCREST DAY CARE CENTER

8. Consideration of a resolution passed by the Model Cities Commission concerning the establishment of a Comprehensive Child Development Project.

The City Manager read the resolution which requested (1) that the City of Asheville abandon any plan for contracting with the Department of Social Services to operate the Model Cities Comprehensive Child Development Program; (2) that the Asheville Model Cities Agency be directed to effect whatever arrangements are necessary to permit opening as soon as possible of the Hillcrest Day Care Center, using for support MCA supplemental funds and monies generated by late phase-in of First Action Year program; and (3) that the Model Cities Agency also be directed to work actively to secure HEW Title IV funding to support the full program originally contemplated through such alternative routes as establishment of a local 4-C Committee to serve as the contracting agency and conduit for HEW funding.

Councilman Dailey moved for consideration of this resolution, which motion was seconded by Councilman Atkinson.

The matter was discussed by the Council.

Mr. James Byrd of Harambee spoke on the matter. Mr. LOgan Delany also spoke.

Following a lengthy discussion a vote was taken on the motion and it was defeated by a vote of four to two with Councilman Crouch, Colton, Anderson and Montgomery voting against the motion and Councilmen Dailey and Atkinson voting for the motion.

Councilman Anderson then made the following motion:

UPON CLARENCE J. BRANTLEY", was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 33.

RECYCLING AND VOLUME REDUCTION OF SOLID WASTES

4. Consideration of a resolution recommending to the General Assembly that a commission be established to study proposals on recycling and volume reduction of solid wastes.

Resolution No. 71-51, being "RESOLUTION CONCERNING LOCAL ACTION PERTAINING TO LITTER AND WASTE CONTROL AND RECOMMENDATION FOR THE ESTABLISHMENT OF A STATE COMMISSION FOR RECYCLING AND VOLUME REDUCTION OF SOLID WASTE MATERIALS", was, upon motion of Councilman Keleher, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 34.

APPLICATION TO HUD FOR GRANT TO DEVELOP A NEIGHBORHOOD PARK IN WEST ASHEVILLE AUTHORIZED

5. Consideration of a resolution authorizing the Park, Recreation and Land Management Department to submit an application to HUD for a grant to develop a neighborhood park in West Asheville.

Resolution No. 71-52, being "RESOLUTION AUTHORIZING THE PARK, RECREATION AND LAND MANAGEMENT DEPARTMENT TO SUBMIT AN APPLICATION TO HUD FOR A GRANT TO DEVELOP A NEIGHBORHOOD PARK IN WEST ASHEVILLE", was, upon motion of Councilman Atkinson, seconded by Councilman Keleher, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 35.

AUDITORIUM AND ARTS CENTER BONDS - RESOLUTION PROVIDING FOR ISSUANCE

6. Consideration of a resolution providing for the issuance of $5,300,000 of bonds for the Civic Center.

Councilman Anderson introduced in written form the following resolution which was read:

RESOLUTION PROVIDING FOR THE
ISSUANCE OF
$5,300,000
AUDITORIUM AND ARTS CENTER BONDS

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. The Council has determined and does hereby find and declare:

(a) That an ordinance authorizing $4,000,000 Auditorium Bonds was passed on October 19, 1967, which ordinance was approved by the vote of a majority of the qualified voters of such City who voted thereon at an election duly called and held

Thursday, April 29, 1971 - 3:00 o'clock P. M.

The Council of the City of Asheville, North Carolina, met in regular session at the City Hall, the usual place of meeting, at 3:00 o'clock P. M. on April 29, 1971.

Present: Mayor Wayne S. Montgomery, presiding, and Councilmen Henry E. Colton, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, and Luke Atkinson.

Absent: Councilman Robert P. Crouch.

Also present: Phin Horton, III, City Manager, and Margaret Simmons, City Clerk.

1. Approval of minutes of meeting of April 22, 1971.

The minutes were approved as submitted.

ORDINANCE NO. 697 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

2. Public hearing to consider the request of Reverend Wesley Grant to rezone property from Commercial to RA-5 Residential.

The Mayor opened the public hearing at 3:02, and the City Manager read the affidavit of publication and the recommendation of the Planning and Zoning Commission.

Mrs. Roy Rogers spoke on urban renewal.

Reverend Wesley Grant spoke in favor of said rezoning.

Mr. Wilbur King said the request to rezone this property did not comply with the plans of the Redevelopment Commission and the City Council.

The Mayor closed the public hearing at 3:35.

Ordinance No. 697, being "AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS 'AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE', AS AMENDED", was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously adopted on its first reading.

SUPERIOR PERFORMANCE AWARD - Richard K. Degenhardt

Resolution No. 71-49, being "RESOLUTION CONFERRING A SUPERIOR PERFORMANCE AWARD ON RICHARD K. DEGENHARDT", was, upon motion of Councilman Anderson, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 32.

SUPERIOR PERFORMANCE AWARD - Clarence J. Brantley

3. Consideration of a resolution conferring a Superior Performance Award upon Clarence J. Brantley.

Resolution No. 71-50, being "RESOLUTION CONFERRING A SUPERIOR PERFORMANCE AWARD

Said bonds and coupons and the endorsements to be printed upon the reverse of said bonds shall be in substantially the following forms:

$5,000

No. _____

United States of America
State of North Carolina
County of Buncombe

CITY OF ASHEVILLE
Auditorium and Arts Center Bonds

The City of Asheville, a municipal corporation in Buncombe County, North Carolina, is justly indebted and for value received hereby promises to pay to the bearer or, if this bond be registered, to the registered owner hereof, on the 1st day of June, 19____, the principal sum of

FIVE THOUSAND DOLLARS

and to pay interest thereon from the date hereof at the rate of _____ per centum (_____%) per annum until payment of such principal sum, such interest to the maturity hereof being payable semi-annually on the 1st days of June and December of each year upon the presentation and surrender of the coupons representing such interest as the same respectively become due. Both the principal of and the interest on this bond are payable in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debt, at the Manufacturers Hanover Trust Company, in the Borough of Manhattan, City and State of New York, or, at the option of the holder or registered owner, at the Wachovia Bank and Trust Company, N. A., in the City of Raleigh, North Carolina. For the prompt payment hereof, both principal and interest as the same shall become due, the full faith and credit of said City of Asheville are hereby irrevocably pledged.

This bond is one of a series issued by said City pursuant to and in full compliance with The Municipal Finance Act, 1921, as amended, and the Local Government Act, as amended, and two ordinances each of which was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held and resolutions duly passed by the Council of said City for the purpose of providing funds with any other available funds, for constructing an auditorium and a civic arts center for said City.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this bond have happened, exist and have been performed in regular and due form and time as so required, that provision has been made for the levy and collection of a direct annual tax upon all taxable property within said City sufficient to pay the principal of and the interest on this bond as the same shall become due; and that the total indebtedness of said City, including this bond, does not exceed any constitutional or statutory limitation thereon.

This bond may be registered as to principal alone in accordance with the provisions endorsed hereon.

IN WITNESS WHEREOF, SAID City of Asheville has caused this bond to be executed with the facsimile signatures of its Mayor and its City Clerk and a facsimile of the corporate seal of the City to be imprinted hereon, and has caused the interest coupons attached hereto to be executed with the facsimile signature of said City Clerk, all as of the 1st day of June, 1971.

Mayor

City Clerk

on December 5, 1967.

(b) That none of said Auditorium Bonds has been issued and that $1,000,000 Auditorium Bond Anticipation Notes have been issued in anticipation of the receipt of a like amount of proceeds of said bonds which notes are dated October 21, 1970 and are stated to mature, subject to prior redemption as therein mentioned, on October 21, 1971.

(c) That it is necessary to issue all of the Auditorium Bonds authorized by said ordinance, $1,000,000 of the proceeds thereof to be used to pay the notes stated to mature on October 21, 1971.

(d) That an ordinance authorizing $1,300,000 Civic Arts Center Bonds was passed on October 19, 1967, which ordinance was approved by the vote of a majority of the qualified voters of said CIty who voted thereon at an election duly called and held on December 5, 1967.

(e) That none of said Civic Arts Center Bonds have been issued and no notes have been issued in anticipation of the receipt of the proceeds of said bonds.

(f) That it is necessary to issue all of the Civic Arts Center Bonds authorized by said ordinance.

(g) That it is convenient to consolidate for the purpose of their issuance said Auditorium Bonds and said Civic Art Center Bonds into a single issue of $5,300,000 Auditorium and Arts Center Bonds.

(h) That the probable period of usefulness of the auditorium to be constructed from the proceeds of said Auditorium and Arts Center Bonds is a period of forty years; that the probable period of usefulness of the civic arts center to be constructed from the proceeds of the Auditorium and Arts Center Bonds is a period of forty years; and that the average of said two periods computed from October 19, 1968, a date not more than one year after the passage of said ordinances, is a period expiring on October 19, 2008.

Section 2. Said $4,000,000 Auditorium Bonds and said $1,300,000 Civic Art Center Bonds shall be consolidated into an issue of $5,300,000 bonds of the City of Asheville, designated "Auditorium and Arts Center Bonds".

Section 3. For the purposes provided in said ordinances there shall be issued the negotiable coupon bonds of the City of Asheville in the aggregate principal amount of $5,300,000, dated June 1, 1971, and consisting of 1060 bonds of the denomination of $5,000 each, numbered 1 to 1060, inclusive. Said bonds shall mature annually June 1, in numerical order, lowest numbers first, $150,000 1972 to 1976 and $325,000 1977 to 1990, all inclusive, without option of prior payment, and shall bear interest from their date at a rate or rates not exceeding six per centum (6%) per annum to be determined by the Local Government Commission of North Carolina at the time the bonds are sold, which interest to the maturity thereof shall be payable on the 1st days of June and December of each year. Both the principal of and the interest on said bonds shall be payable in any coin or currency of the United States of America which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts, at Manufacturers Hanover Trust Company, in the Borough of Manhattan, City and State of New York, or, at the option of the holder or registered owner, at Wachovia Bank and Trust Company, N. A., in the City of Raleigh, North Carolina.

Section 4. Said $5,300,000 Auditorium and Arts Center Bonds shall be executed with the facsimile signatures of the Mayor and the City Clerk and a facsimile of the corporate seal of the City shall be imprinted on the bonds and the interest coupons to be attached to said bonds shall be executed with the facsimile signature of said City Clerk.

Section 5. Said bonds shall be registrable as to principal alone in accordance with the provisions hereinabove provided for endorsement upon said bonds and the Director of Finance is hereby appointed Bond Registrar for the purpose of registering and transferring said bonds, subject to the right of the governing body of the City of Asheville hereafter to appoint another Bond Registrar. No charge shall be made to any bondholder for the privilege of registration and transfer herein granted.

Section 6. The application of the City Manager in applying to the Local Government Commission for the advertisement and sale of said bonds, and the action of the Local Government Commission in asking for sealed bids for said bonds by printing and distributing circulars, be and the same are hereby ratified and confirmed.

Section 7. This resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

Mayor

Corporation Counsel

City Clerk

Upon motion of Councilman Colton, seconded by Councilman Keleher, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $5,300,000 AUDITORIUM AND ART CENTER BONDS" was passed by the following vote:

Yeas: Councilmen Colton, Keleher, Anderson, Dailey, Atkinson, and Mayor Montgomery.

Nays: None.

Thereupon the resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $5,300,000 AUDITORIUM AND ARTS CENTER BONDS" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

Complete copy of resolution will be found in Resolution Book 6 pages 36,37,38

Thereupon Councilman Colton introduced in written form the following resolution which was read:

RESOLUTION AUTHORIZING THE PRINTING OF LEGAL OPINION ON $5,300,000 AUDITORIUM AND ARTS CENTER BONDS TO BE ISSUED UNDER DATE OF JUNE 1, 1971

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. There shall be printed on the reverse of each of the $5,300,000 Auditorium and Arts Center Bonds to be issued by the City of Asheville under date of June 1, 1971, the legal opinion of Mitchell, Petty & Shetterly, Bond Counsel to the City of Asheville, with respect to the validity of said bonds, and that there shall be printed immediately following such legal opinion a certificate signed with the facsimile signature of the Mayor of the City of Asheville substantially as follows:

"I HEREBY CERTIFY that the foregoing is a true and correct copy of the legal opinion on the bonds therein described which was manually signed by Mitchell, Petty & Shetterly, New York, N.Y., and was dated as of the date of delivery of and payment for said bonds.

(Facsimile Signature)
Mayor of the
City of Asheville, North Carolina."

Approved as to form:

_____

Corporation Counsel

(Endorsements on Bonds)

The issuance of the within bond has been approved under the provisions of the Local Government Act of North Carolina.

H. E. BOYLES
Secretary, Local Government Commission

By_____
Designated Assistant

PROVISIONS FOR REGISTRATION

This bond may be registered as to principal alone in the Bond Register of the City of Asheville by the Director of Finance as Bond Registrar, at his office in the City of Asheville, or by such other Bond Registrar as may be legally appointed by the governing body of said City upon presentation hereof to the Bond Registrar who shall make notation of such registration in the registration blank below, and this bond may thereafter be transferred only upon a duly executed assignment of the registered owner or his attorney, in such form as shall be satisfactory to the Bond Registrar, such transfer to be made on such Bond Register and endorsed hereon by the Bond Registrar. Such transfer may be to bearer and thereby transferability by delivery shall be restored, but this bond shall again be subject to successive registrations and transfers as before. The principal of this bond, if registered, unless registered to bearer, shall be payable only to or upon the order of the registered owner or his legal representative. Notwithstanding the registration of this bond as to principal alone, the coupons shall remain payable to bearer and shall continue to be transferable by delivery.

Date of Registration	Name of Registered Owner	Signature of Bond Registrar
.....	.....	.....
.....	.....	.....
.....	.....	.....

(Form of coupons)

No. _____ $_____

On the 1st day of _____, 19____.

The City of Asheville, a municipal corporation in Buncombe County, North Carolina, will pay to bearer at the Manufacturers Hanover Trust Company, in the Borough of Manhattan, City and State of New York, or, at the option of the bearer, at the Wachovia Bank and Trust Company, N. A., in the City of Raleigh, North Carolina, upon the presentation and surrender hereof, the sum of _____ Dollars in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts, as provided in and for the semi-annual interest then due upon its Auditorium and Arts Center Bond, dated June 1, 19/1, numbered _____.

_____
City Clerk

1970, providing for the issuance of such notes Corporation Counsel is hereby directed to file with the holders of such notes the following notice:

NOTICE OF REDEMPTION
CITY OF ASHEVILLE, NORTH CAROLINA
AUDITORIUM BOND ANTICIPATION NOTES
Dated October 21, 1970

NOTICE IS HEREBY GIVEN that the $1,000,000 outstanding Auditorium Bond Anticipation Notes of the City of Asheville, North Carolina, dated October 20, 1970, have been called for redemption on July 1, 1971. Said notes have a maturity date of October 21, 1971, bear interest at the rate of 4.69% per annum, consist of 10 notes each in the denomination of $100,000 and are numbered 1 to 10, inclusive. Said notes are called for redemption at their principal amount, together with the interest accrued thereon to the date fixed for redemption.

Payment of the redemption price of said notes so called for redemption will be made on or after July 9, 1971 upon the presentation and surrender of said notes at North Carolina National Bank, in the City of Charlotte, North Carolina. Interest on said notes will cease to accrue from and after July 9, 1971, and on said date said notes will cease to be entitled to any lien, benefit or security under the resolution adopted by the Council of the City of Asheville on October 8, 1970 authorizing the issuance of said notes, and the holders of said notes shall have no rights in respect thereof except to receive payment of the redemption price thereof.

Dated this 29th day of April 1971.

MARGARET SIMMONS
City Clerk of the
City of Asheville, North Carolina

Section 3. The Treasurer of the State of North Carolina is requested to apply $1,000,000 of the proceeds of said $5,300,000 Auditorium and Arts Center Bonds to the payment of said $1,000,000 Auditorium Bond Anticipation Notes and the City Clerk is hereby directed to convey this request of the Council to the Treasurer of the State of North Carolina by mailing to such Treasurer a certified copy of this resolution.

Section 4. This resolution, being the resolution directing administrative action, shall take effect immediately.

Mayor

Approved as to form

Corporation Counsel

City Clerk

Upon motion of Councilman Colton, seconded by Councilman Anderson, the foregoing resolution entitled "RESOLUTION CALLING FOR REDEMPTION $1,000,000 AUDITORIUM BOND ANTICIPATION NOTES DATED October 21, 1970" was passed by the following vote:

Yeas: Councilmen Colton, Keleher, Andereon, Dailey, Atkinson and Mayor Montgomery

Nays: None

Thereupon the resolution entitled "RESOLUTION CALLING FOR REDEMPTION

Section 2. This resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

Mayor

Corporation Counsel

CITY Clerk

Upon motion of Councilman Anderson, seconded by Councilman Keleher, the foregoing resolution entitled: "RESOLUTION AUTHORIZING THE PRINTING OF LEGAL OPINION ON $5,300,000 AUDITORIUM AND ARTS CENTER BONDS TO BE ISSUED UNDER DATE OF JUNE 1, 1971" was passed by the following vote:

Yeas. Councilmen Colton, Keleher, Anderson, Dailey, Atkinson, and Mayor Montgomery.

Nays: None

Thereupon the resolution entitled: "RESOLUTION AUTHORIZING THE PRINTING OF LEGAL OPINION ON $5,300,000 AUDITORIUM AND ARTS CENTER BONDS TO BE ISSUED UNDER DATE OF JUNE1, 1971" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

Complete copy of resolution will be found in Resolution Book 6 page 39.

Thereupon Councilman Keleher introduced in written form the following resolution which was read:

RESOLUTION CALLING FOR REDEMPTION OF
$1,000,000
AUDITORIUM BOND ANTICIPATION NOTES
Dated October 21, 1970

BE IT RESOLVED by the Council of the City of Asheville.

Section 1. The Council has determined and does hereby find and declare:

(a) That $1,000,000 Auditorium Bond Anticipation Notes, dated October 21, 1970 and stated to mature October 21, 1971, have been issued pursuant to a resolution adopted by the Council on October 8, 1970, which resolution provides in part that all of the notes therein authorized may be redeemed prior to their maturity, in whole on any date, at the option of the City, from only the proceeds of the bonds in anticipation of which said notes are issued at the principal amount of the notes to be redeemed, together with the interest accrued thereon to the date fixed for redemption, and that such resolution also provides in part that publication of the notice of redemption provided for therein shall not be required for the redemption of said notes in the event that such notice shall be filed with theholders of all of the outstanding notes.

(b) That the Council has this day adopted a resolution providing for the issuance of $5,300,000 Auditorium and Arts Center Bonds which issue is a consolidation of $1,300,000 Civic Arts Center Bonds and $4,000,000 Auditorium Bonds in the anticipation of the issuance of whihh said notes were issued.

(c) That $600,000 of said notes are presently held by North Carolina National Bank and $400,000 of said notes arepresently held by the Bank of Asheville.

Section 2. The $1,000,000 Auditorium Bond Anticipation Notes are hereby called for redemption on July 9, 1971 from the proceeds of a like amount of Auditorium and Arts Center Bonds, and in accordance with the resolution of the Council, adopted October 8,

to prepare the same so that there will be no increase in property tax this year and to do everything possible to reduce property taxes for the coming year. There was no second to the motion.

INTER-CHURCH HOUSING - ACCESS TO PROPERTY

Councilman Dailey advised that the Inter-Church Housing Association is about to complete its housing project and the city was to widen the street giving ingress and egress to this property and would like to know when this work is to be done.

WATER SUPPLY

Councilman Anderson said there seemed to be some misunderstanding about the quality of Asheville water, and would like for the news media to correct this misunderstanding.

The City Manager advised that there is no evidence that any harmful bacteria are found in the water, and that it is not necessary to boil the water.

PROCLAMATION - MENTAL HEALTH MONTH

The Mayor read a proclamation designating the month of May as Mental Health Month.

PROCLAMATION - NORTH CAROLINA SYMPHONY MONTH

The Mayor read a proclamation designating the month of May as North Carolina Symphony month

PROCLAMATION - VISITOR HOSPITALITY MONTH

The Mayor read a proclamtion designating the month of May as Visitor Hospitality Month.

PROCLAMATION - LAW DAY

The Mayor read a proclamation designating May 1st as LAW DAY.

COMMENDATION OF CITY EMPLOYEE

Mrs. Lillie Moultrie asked if anything could be done to save the trees and shrubbery in the East Riverside Urban Renewal area, and the City Manager was requested to look into this.

Mrs. Moultrie wished to commend a city employee, Clyde Piercy, for his work as driver of one of the trash trucks for the city.

WALK FOR MANKIND

Mr. Charles Campbell, student walk director for Project Concern's Walk for Mankind on May 8th, invited Council members to participate in this walk.

$1,000,000 AUDITORIUM BOND ANTICIPATION NOTES DATED OCTOBER 21, 1970" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

Complete copy of resolution will be found in Resolution Book 6 page 40.

CONTRACT WITH COUNTY OF BUNCOMBE FOR COMPREHENSIVE CHILD DEVELOPMENT PROGRAM AUTHORIZED

8. Consideration of a resolution authorizing the Mayor to execute a contract with the Social Services Department of Buncombe County for the operation of the Model Cities Comprehensive Child Development Program.

Resolution No. 71-53, being "RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH THE COUNTY OF BUNCOMBE TO PROVIDE A COMPREHENSIVE CHILD DEVELOPMENT PROGRAM", was, upon motion of Councilman Anderson, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 41

CRESCENT STREET #22 DECLARED A SANITARY NUISANCE

The City Manager read a letter from Dr. H. W. Stevens in which Dr. Stevens advised that the water impounded by a stopped-up storm sewer at 22 Crescent Street was a public nuisance, and Dr. Stevens asked the Council to declare this area to be a sanitary nuisance and to take steps to abate the nuisance.

The Corporation Counsel advised that the Chief Building Inspector had issued an order to the owner of the property to correct the situation, and further that Section 253 gives the Council the right to declare a sanitary nuisance and direct the owner of the property to correct the situation, and if the owner fails to comply said owner is in violation of said Section 253 and the City of Asheville can go in and correct the situation and abate the nuisance and charge the cost of repair to the property involved and the costs would constitute a lien and be assessed against the property where improvements were made.

Mr. Johnson, Chief Building Inspector, advised that the situation is a safety hazard and is a sanitary nuisance.

Mr. Wolcott, City Engineer, said plans have been worked out to divert the water around the back of the property and necessary rights-of-way have been signed by all but one property owner, and that said situation is a sanitary nuisance.

A representative of the Health Department declared the situation constituted a health hazard and danger to residents.

The Corporation Counsel asked the Council to pass a motion finding that conditions as described on Crescent Street to constitute a sanitary nuisance under Section 253, subsection A and Section 253, sub-section B, and that the owner or owners of the property involved be directed to correct and abate this nuisance on or before the 31st day of May, 1971.

Councilman Anderson so moved, which motion was seconded by Councilman Colton and unanimously adopted.

[redacted]

Councilman Atkinson moved that the City Manager in preparation of the budget

Regular Meeting Thursday, May 6, 1971 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Henry E. Colton, Robert P. Crouch, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

Absent: None

1. Approval of minutes of meeting of April 29, 1971.

The minutes were approved as submitted.

ORDINANCE NO. 697 - AN ORDINANCE AMENDING ORDINANCE #522, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Ordinance No. 697 was passed on its second reading with Councilman Anderson voting no.

RESOLUTION TRANSFERRING PROJECTS NC R-13 and NC R-48 TO THE HOUSING AUTHORITY

2. Consideration of a resolution authorizing the Mayor to execute a contract of novation transferring Projects NC R-13 and NC R-48 to the Housing Authority as the local public agency responsible for the successful execution of said projects.

Resolution No. 71-54, being "RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT OF NOVATION TRANSFERRING PROJECTS NC R-13 AND NC R-48 TO THE HOUSING AUTHORITY AS THE LOCAL PUBLIC AGENCY RESPONSIBLE FOR THE SUCCESSFUL EXECUTION OF SAID PROJECTS" was, upon motion of Councilman Anderson, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 42.

ANNEXATION - REPORT OF METROPOLITAN PLANNING BOARD

3. Consideration of a report from the Metropolitan Planning Board on a proposed annexation program.

Mr. Nick Kmecza, Director of Planning, gave a brief summary of the report.

Councilman Keleher said she wished to commend all who helped prepare said report, and moved that the Council study the report and perhaps decide next week on how to proceed, which motion was seconded by Councilman Crouch and unanimously adopted.

STATE HIGHWAY COMMISSION - ENCROACHMENT AGREEMENT WITH

4. Consideration of a resolution authorizing the Mayor to execute an encroachment agreement with the State Highway Commission for installation of a water line under I-40.

MRS. F. C. HUBBARD -
PROTEST

Mrs. F. C. Hubbard advised that a piano teacher next door to her residence was creating a nuisance by piano and organ playing, and also by having an air conditioning unit in a window, and asked if there was anything that could be done about this.

The Corporation Counsel advised that this is a private nuisance, and he does not think the Council could declare it to be a nuisance.

Mrs. Hubbard was advised that Mr. Golding would communicate with her further in regard to this matter.

Adjournment.

MAYOR

CITY CLERK

MODEL CITIES - CONTRACT WITH PISGAH GIRL SCOUT COUNCIL

9. Consideration of a resolution authorizing the Mayor to execute a contract with the Pisgah Girl Scout Council for the 'Inner City Challenge' project.

No contract was attached to the resolution. Councilman Crouch moved that this matter be tabled until next week, which motion was seconded by Councilman Anderson and adopted.

CRP AND DATA PROJECT - RESOLUTION DIRECTING CITY MANAGER TO SUPERVISE AND COORDINATE

10. Consideration of a resolution directing the City Manager to supervise and coordinate the CRP and Data Project.

Resolution No. 71-57, being "RESOLUTION CALLING FOR THE REVIEW OF THE PROPOSED AMENDED BUDGET AND DIRECTING THE CITY MANAGER TO COORDINATE AND SUPERVISE THE IMPLEMENTATION OF THE COMMUNITY RENEWAL PROGRAM AND COMPREHENSIVE DATA PROJECT" was, upon motion of Councilman Colton, seconded by Councilman Keleher, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 45.

MODEL CITIES - LEASE WITH OPPORTUNITY CORPORATION FOR USE OF LIVINGSTON STREET SCHOOL

11. Consideration of a resolution authorizing the Mayor to execute a lease with the Opportunity Corporation for use of the Livingston Street School facilities for the Comprehensive Child Development Program and the After School Program of Model Cities.

Resolution No. 71-58, being "RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUBLEASE AGREEMENT WITH THE OPPORTUNITY CORPORATION OF MADISON-BUNCOMBE COUNTIES FOR USE OF LIVINGSTON STREET SCHOOL BY THE MODEL CITIES PROGRAM", was, upon motion of Councilman Anderson, seconded by Councilman Keleher, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 46.

Miss McCoy spoke on model cities and the leasing of schools, and Reverend Wesley Grant spoke about leasing of schools.

MODEL CITIES - HIRING OF FIVE GRADUATE INTERNS

12. Consideration of a resolution authorizing the hiring of five graduate student interns to work in the summer of 1971 in developing the Model Cities Second Action Year Program.

Resolution No. 71-59, being "RESOLUTION AUTHORIZING THE MODEL CITIES AGENCY TO HIRE FIVE PLANNING INTERNS FOR THE SUMMER TO ASSIST THE STAFF IN PREPARING SECOND YEAR PLAN", was, upon motion of Councilman Dailey, seconded by Councilman Atkinson, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 47.

Resolution No. 71-55, being "RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ENCROACHMENT AGREEMENT WITH THE STATE HIGHWAY COMMISSION FOR INSTALLATION OF A WATER LINE UNDER I-40" with the understanding that the contract terminology be amended to include the words "successors or assigns" after the word "city" wherever said word appears in said contract, was, upon motion of Councilman Anderson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of contract will be found in Resolution Book o at page 43.

BIDS - STREET PAVING

5. Consideration of bids received May 3rd for the annual street paving contract for the City of Asheville.

The City Manager reported that after due advertisement bids had been received as follows:

Warren Brothers Company	Asheville Paving Company	Midstate Contractors
$121,625.00	$118,585.00	$127,085.00

and recommended awarding the contract to the lowest bidder, Asheville Paving Company.

Councilman Crouch so moved, which motion was seconded by Councilman Anderson and unanimously adopted.

MODEL CITIES - CONTRACT WITH A. M. PULLEN AND COMPANY

6. Consideration of a resolution authorizing the Mayor to execute a contract with A. M. Pullen and Company to audit the accounts of the Model Cities Agency.

Resolution No. 71-56, being "RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH A. M. PULLEN AND COMPANY TO AUDIT THE ACCOUNTS OF THE MODEL CITIES PROGRAM", was, upon motion of Councilman Atkinson, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 44.

MODEL CITIES - CONSOLIDATED HEALTH PROGRAM

7. Consideration of a resolution authorizing the Mayor to execute a contract for the Model Cities Consolidated Health Program.

The Corporation Counsel advised he had not had an opportunity to look over the contract. Councilman Crouch then moved that this matter be placed on the agenda for next week, which motion was seconded by Councilman Anderson and unanimously adopted.

MODEL CITIES - CONTRACT WITH HANDI SKILLS, INC.

8. Consideration of a resolution authorizing the Mayor to execute a contract with Handi Skills, Inc., for facility maintenance and on-the-job training.

No contract was attached to the resolution. Councilman Anderson moved that this resolution be placed on the agenda for next week, which motion was seconded by Councilman Dailey and adopted.

drafted and copies sent to all interested parties, and the only suggestions received were by Mr. Stewart of Hazen and Sawyer. The bill was redrafted and copies again sent to all interested parties. There is a division of opinion as to whether a local bill would be held constitutional, and a state-wide bill was drawn and sent to all interested parties. It is expected that within the next ten days a state-wide bill will be introduced in the General Assembly.

DR. CROUCH

The Mayor stated that some future Council should consider sending Dr. Crouch to Red China, since his son is a national table tennis champion and may be invited to play in Red China.

SIGN - MAX POLANSKY

Mr. Max Polansky requested permission to put a billboard at his building located at 216 Patton Avenue, which is within 200 feet of the Expressway. Mr. Polansky was advised to take this matter up with the Planning staff and get a recommendation from them.

MISS McCOY - FLUORIDE

Miss McCoy protested the addition of fluoride and caustic soda to the public water supply.

REVEREND WESLEY GRANT

Reverend Wesley Grant stated the Council should rescind its action on the Sunday Blue Law; should rescind its action on the topless waitress and entertainers; should take $1,000,000 and build homes for the poor; and should have a liquor, wine and beer referendum.

PROCLAMATION - NATIONAL PUBLIC WORKS WEEK

The Mayor read a proclamation designating the week of May 9-15 as National Public Works Week.

PROCLAMATION - NATIONAL HOSPITAL WEEK

The Mayor read a proclamation designating the week of May 9-15 as National Hospital Week.

Adjournment.

MAYOR

CITY CLERK

BEAUCATCHER TUNNEL - PROPOSAL OF SECOND TWO-LANE TUNNEL

Councilman Anderson made the following statement and motion:

Recently I proposed that we reduce the cost at Beaucatcher by constructing only one new three-lane tunnel for traffic in one direction while revamping the old or present tunnel for traffic in the other direction. However, the Highway Commission states that the present tunnel cannot be converted to carry three lanes of traffic.

If this is the case, then let us have two two-lane tunnels: a new one and the present one. A six-lane highway as now planned will carry more traffic than has ever been projected for Beaucatcher. The traffic count growth projected for 40 years shows about 50,000 cars a day. Another study shows that 20%-30% of this traffic will use I-40 when completed. So in the year 2010 we can expect perhaps 40,000 cars a day to transit Beaucatcher Mountain.

The Holland Tunnel in New York has two lanes in each direction. It carries 63,000 cars a day. So it is obvious that the Highway Commission has grossly overdesigned this vital link in our traffic system.

Therefore, let us eliminate all the expensive ideas, cut off the interminable delay and get on with the job of giving us everything our grandchildren will ever need -- a new two-lane tunnel.

In furtherance of this I propose this motion:

WHEREAS, the studies of the Beaucatcher traffic solution at State and Federal levels may continue indefinitely with no assurance of the possible outcome - i.e. a six-lane cut or two three-lane tunnels; and

WHEREAS, either alternative will handle far more traffic than can be reasonably anticipated for the next forty years; and

WHEREAS, the anticipated traffic can be handled in two two-lane tunnels; and

WHEREAS, the City of Asheville, Buncombe County, and indeed all of Western North Carolina need urgently the most expeditious solution to the worst traffic situation in the state.

NOW, THEREFORE, I move that this City Council request the necessary studies and public hearings on a third alternative, i. e. construct one new two-lane tunnel for traffic in one direction and use the existing tunnel--refurbished as necessary, for the opposite direction.

This motion was seconded by Councilman Keleher, and the matter was discussed by the council.

Following the discussion a vote was taken on the motion and it passed by a vote of four to three with Councilmen Keleher, Anderson, Atkinson and Mayor Montgomery voting in favor of the motion, and Councilmen Colton, Crouch and Dailey voting against themotion.

WATER MERGER BILL - STATUS

Councilman Keleher inquired as to the status of the Water Merger Bill.

The Corporation Counsel advised that about three weeks ago a local act was

The City Manager read rule 29 which provides: Any member of the Classified Service other than members of the Police and Fire Departments, who has attained the age of 66, and being eligible to retire under Social Security, shall retire at the end of the fiscal year unless the Department head requests such person to remain in the service, and notice of this request is to be given in writing at least 30 days prior to the end of the fiscal year, and a copy of such request shall be filed with the Deparrment of Civil Service.

Councilman Crouch moved that Rule 29 be changed as follows:

That the age of 66 be changed to 65,

which motion was seconded by Councilman Anderson, and unanimously adopted.

WATER LINE - DIXON TERRACE
AUTHORIZED

6. Consideration of a resolution authorizing the Mayor to enter into an agreement for the installation of a water line to serve Section II of Dixon Terrace Subdivision, in Upper Hominy Township.

Resolution No. 71-60, being RESOLUTION AUTHORIZING MAYOR TO ENTER INTO AGREEMENT WITH MR. C. W. DIXON, SR. CONCERNING A TWO-INCH WATER MAIN ALONG DIXON TERRACE AND DIXON COURT TO SERVE SECTION 2 OF DIXON TERRACE SUBDIVISION, UPPER HOMINY TOWNSHIP, BUNCOMBE COUNTY, was, upon motion of Councilman Keleher, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book No.6 page 48.

MODEL CITIES - CONSOLIDATED HEALTH PROGRAM

7. Consideration of a resolution authorizing the Mayor to execute a cooperative agreement for the Model Cities Consolidated Health Program.

Mr Larry Burwell of the Health Department spoke on this subject and answered questions of COuncilmen.

Resolution No. 71-61 being RESOLUTION AUTHORIZING THE EXECUTION OF A COOPERATIVE AGREEMENT FOR THE OPERATION OF THE CONSOLIDATED HEALTH PROJECT OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM, was, upon motion of Councilman Colton, seconded by Councilman Keleher, unanimously adopted.

Complete copy of resolution will be found in Resolution Book No. 6 page 49.

MODEL CITIES - CONTRACT WITH HANDI SKILLS, INC.

8. Consideration of a resolution authorizing the Mayor to execute a third party contract with Handi Skills, Inc. for facility maintenance and on-the-job training.

Resolution No. 71-62, being RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO A THIRD PARTY CONTRACT WITH HANDI-SKILLS, INC. FOR THE OPERATION OF THE FACILITY MAINTENANCE AND ON THE JOB TRAINING PROJECT OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM, was, upon motion of Councilman Anderson,

Regular Meeting Thursday, May 13, 1971 - 3:00 o'clock P. M.

Present: Mayor Wayne S. Montgomery presiding; Councilmen Robert P. Crouch, Henry E. Colton, Mrs. Barbara C. Keleher, Webster Anderson, Ruben Dailey, Luke Atkinson, City Manager Phin Horton, III, Corporation Counsel J. N. Golding and City Clerk Margaret Simmons.

Absent None

1. Approval of minutes of meeting of May 6, 1971.

The minutes were approved as submitted.

ORDINANCE NO. 697 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. Third reading of an ordinance to rezone property of Reverend Wesley Grant from Commercial to RA-5 Residential.

Councilman Keleher stated she thought the new Council should review this problem and take it over.

Councilman Colton moved that the ordinance be tabled, which motion was seconded by Councilman Crouch, and, upon a vote being taken, was defeated by a vote of four to three with Councilmen Crouch, Colton and Dailey voting in favor of the motion and Councilmen Keleher, Anderson, Atkinson and Montgomery voting against the motion.

Said ordinance No. 697 was defeated on its third and final reading with Councilmen Crouch, Colton and Dailey voting for the ordinance, and Councilmen Keleher, Anderson, Atkinson, and Mayor Montgomery voting against the ordinance.

GENERAL ELECTION - RESULTS

Mr. Alan H. Shaw, Chairman of the City Board of Elections, presented the results of the General Election held on May 11th, which results are on file in the office of the City Clerk.

COLLEGE STREET - REQUEST TO CLOSE PORTION - ADVERTISEMENT AUTHORIZED

4. Consideration of advertising for a public hearing to close a portion of College Street in the Civic Redevelopment Project.

The City Manager advised this request was made by the Housing Authority and the portion to be closed is between Locust and Pine Streets.

Councilman Anderson moved that this matter be advertised for a public hearing, which motion was seconded by Councilman Crouch and unanimously adopted.

CIVIL SERVICE - AMENDMENT TO RULE 29

5. Consideration of a recommendation from the Civil Service Board concerning a change in retirement age from 66 to 65.

MUNICIPAL BOARD OF ELECTIONS -
Resignation of Alan H. Shaw

Councilman Anderson read a letter from Alan H. Shaw, resigning as a member of the Municipal Board of Elections.

MUNICIPAL BOARD OF ELECTIONS -
APPOINTMENT OF MEMBER (Jack Westall, Jr.)

Resolution No. 71-58, being RESOLUTION APPOINTING MEMBER OF MUNICIPAL BOARD OF ELECTIONS, was, upon motion of Councilman Anderson, seconded by Councilman Keleher unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 54.

COUNCIL COMMENDED

Marie Ledbetter on behalf of the Republican Women's Club commended the City Council and expressed appreciation for their accomplishments.

CITY SEALS PRESENTED TO COUNCIL

Councilmen Colton and Dailey presented small seals of the city to the other members of the Council.

MONTFORD PARK - SUMMER PROGRAM

Councilman Keleher inquired if there was to be a supervised program at Montford Park this summer, and was advised by Miss Barnett, Director of Parks and Recreation, that there would be a supervised program just as usual.

PROCLAMATION - NATIONAL INSURANCE
WOMEN'S WEEK

The Mayor read a proclamation designating the week of May 16 through 22nd as National Insurance Women's Week.

PROCLAMATION - SENIOR CITIZENS
MONTH IN NORTH CAROLINA

The Mayor read a proclamation designating themonth of May as Senior Citizens Month.

Adjournment

Margaret Simmons
CITY CLERK

MAYOR

seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 50.

MODEL CITIES - INNER CITY CHALLENGE PROGRAM

9. Consideration of a resolution authorizing the Mayor to execute a third party contract with the Pisgah Girl Scout Council for the "Inner City Challenge" program.

Resolution No. 71-63, being RESOLUTION AUTHORIZING THE EXECUTION OF A THIRD PARTY CONTRACT BETWEEN THE CITY OF ASHEVILLE AND THE PISGAH GIRL SCOUT COUNCIL FOR THE OPERATION OF THE INNER CITY CHALLENGE PROJECT OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM, was, upon motion of Councilman Crouch, seconded by Councilman Keleher, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 51.

MODEL CITIES - SUMMER PROGRAM

10. Consideration of a resolution amending the Comprehensive City Demonstration program by adoption and inclusion therein of a nes supplementally-funded project entitled "Summer Program."

Resolution No. 71-64, being RESOLUTION AMENDING THE ASHEVILLE COMPREHENSIVE CITY DEMONSTRATION PROGRAM BY ADOPTION AND INCLUSION THEREIN OF A NEW PROJECT ENTITLED SUMMER PROGRAM, was, upon motion of Councilman Anderson, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 52.

MODEL CITIES - SENIOR OPPORTUNITIES AND SERVICES PROJECT

11. Consideration of a resolution authorizing the Mayor to execute a cooperative agreement for the operation of the "Senior Opportunities and Service" Project.

Resolution No. 71-65, being RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO A COOPERATION AGREEMENT WITH THE DEPARTMENT OF PARKS AND RECREATION FOR THE OPERATION OF THE SENIOR OPPORTUNITIES AND SERVICES PROJECT OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM, was, upon motion of Councilman Keleher, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 53.

COMMUNITY RENEWAL PROGRAM AND COMPREHENSIVE DATA PROJECT - BUDGET APPROVED

The City Manager stated the Council was to review the budget of the Community Renewal Program and Comprehensive Data Project, the total budget being in the amount of $178,460.

Councilman Anderson moved that the said budget be approved, which motion was seconded by Councilman Dailey and unanimously adopted.

WEEKLY MEETING OF THE CITY COUNCIL", was, upon motion of Councilman Dailey, seconded by Councilman Marshall, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 57.

LUKE ATKINSON

Mr. Luke Atkinson complimented the retiring Mayor for swearing in the new Council. Mr Atkinson complimented the Council on its choice of Mayor and Vice-Mayor, and pledged his assistance if needed at any time in the future.

MAYOR WOOD

Mayor Wood thanked the people for voting for the Council, and pledged that the Council would work as a team to serve the people of the city.

Adjournment.

MAYOR Richard A. Wood Jr.

CITY CLERK

Monday, May 17, 1971 - 10:00 o'clock A. M.

The newly elected City Council held its organization meeting at 10:00 o'clock A. M. on Monday, May 17, 1971 with Councilman Dailey presiding.

The members of the Council took the oath of office individually, which oath was administered by retiring Mayor Wayne S. Montgomery as follows:

Councilmen: Henry E. Colton
Ruben J. Dailey
J. W. Hoyle
Calvin W. Marshall
Ralph D. Morris, Jr.
Eugene C. Ochsenreiter, Jr.
Richard Austin Wood, Jr.

ELECTION OF MAYOR

Councilman Dailey announced that the next order of business is the election of Mayor.

Councilman Hoyle nominated Richard Austin Wood, Jr. as Mayor, which motion was seconded by Councilman Colton, and Richard Austin Wood, Jr. was unanimously elected as Mayor.

ELECTION OF VICE-MAYOR

Councilman Dailey nominated Calvin W. Marshall as Vice-Mayor, which motion was seconded by Ralph D. Morris, Jr. Councilman Colton then moved that Calvin W. Marshall be elected by acclamation, which motion was seconded by Councilman Morris, and unanimously adopted, and Calvin W. Marshall was elected Vice-Mayor by acclamation.

BANKING DEPOSITORIES FOR CITY FUNDS DESIGNATED

Resolution No. 71-67, being "RESOLUTION DESIGNATING BANKING DEPOSITORIES FOR CITY FUNDS", was upon motion of Councilman Colton, seconded by Councilman Hoyle, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 55.

OFFICERS AND EMPLOYEES WHO SHALL GIVE BONDS AND AMOUNTS THEREOF

Resolution No. 71-68, being "RESOLUTION DESIGNATING THE OFFICERS AND EMPLOYEES WHO SHALL GIVE BONDS FOR PERFORMANCE OF THEIR DUTIES AND SETTING AMOUNTS THEREOF", was upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 56.

COUNCIL - TIME OF MEETINGS

Resolution No. 71-69, being "RESOLUTION PRESCRIBING THE TIME AND DAY OF THE

Councilman Colton moved that the subdivision and plat be approved, which motion was seconded by Councilman Morris and unanimously adopted

ORDINANCE NO. 698 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 19[illegible] AND ENDING JUNE 30, 197[illegible]

o. Consideration of an ordinance enacting a privilege license tax schedule for the City of Asheville.

Mr E. R. McCarthy discussed the proposed ordinance, and stated the Asheville Speedway should be placed in a classification other than Miscellaneous.

The Mayor stated this was an administrative matter and it would be checked into

Following the discussion Ordinance No 698, being "AN ORDINANCE LEVYING, ASSESSING, IMPOSING AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1971 AND ENDING JUNE 30, 1972, was, upon motion of Councilman Ochsenreiter, seconded by Councilman Marshall, unanimously passed upon its first reading.

REZONING OF REVEREND WESLEY [illegible] ADVERTISEMENT [illegible]

Councilman Bailey brought up the matter of the rezoning of the property of Reverend Wesley Grant, the ordinance for which was killed on its third reading by the previous Council, and moved that a public hearing be advertised, which motion was seconded by Councilman Ochsenreiter and unanimously adopted.

NELL STROUPE

Mrs Nell Stroupe discussed public housing and particularly Aston Towers and the Asheville-Biltmore Apartments.

J. D. GLENN

Mr. J. D. Glenn requested that the lot at 27 Clayton Street be cleared off.

CRESCENT STREET WATER PROBLEM

Suzie Williams discussed the water problem on Crescent Street and asked that the city pump out the pond.

The City Manager gave the background of this problem, advising that the Corporation Counsel has advised that the city not do any further pumping, and read a statement from Mason James and his wife stating that they did not propose to repair the storm drain under the property.

Councilman Morris moved that the city go in and do the work and assess the cost against the property on the 1st of June, 1971, or earlier if permitted by the Corporation Counsel, which motion was seconded by Councilman Marshall and unanimously adopted.

Regular Meeting Thursday, May 20, 1971 - 3:00 o'clock P. M.

Present: Mayor Richard A. Wood, Jr. presiding; Councilmen Eugene C. Ochsenreiter, Jr., Henry E. Colton, Ralph Morris, Jr., Calvin W. Marshall, Ruben Dailey, J. W. Hoyle, City Manager Phin Hort n, III, Acting Corporation Counsel William C. Morris, and CIty Clerk Margaret Simmons.

Absent James N. Golding, Corporation Counsel

(1) Approval of the minutes of the meetings of May 13th and May 17th

Upon motion of Councilman Colton, seconded by Councilman Hoyle the minutes were approved as submitted.

CIVIC CENTER - CONTRACTS FOR HEATING AND AIR CONDITIONING ELECTRICAL INSTALLATION AND PLUMBING - CANNOT BE ENTERED INTO

(2) Consideration of a resolution authorizing the Mayor to execute a contract with W. H. Sullivan Company for heating and air conditioning of the Asheville Civic Center.

(3) Consideration of a resolution authorizing the Mayor to execute a contract with M. B. Haynes Electric Corporation for electrical installations in the Asheville Civic Center.

(4) Consideration of a resolution authorizing the Mayor to execute a contract with Moser Plumbing Company for plumbing in the Asheville Civic Center.

The Mayor advised that the Council had received a legal opinion from the Corporation Counsel that to enter into these contracts would be improper without readvertising for bids

CIVIC CENTER - ADVERTISEMENT OF AN INVITATION FOR BIDS FOR THE ELECTRICAL, PLUMBING AND HEATING AND AIR CONDITIONING CONTRACTS AUTHORIZED

Resolution No. 71-70, being "RESOLUTION AUTHORIZING THE ADVERTISEMENT OF AN INVITATION FOR BIDS FOR THE ELECTRICAL, PLUMBING AND HEATING AND AIR CONDITIONING CONTRACTS FOR THE ASHEVILLE CIVIC CENTER, was, upon motion of Councilman Colton, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 58.

CIVIC REDEVELOPMENT PROJECT - SUBDIVISION OF PARCEL 16 APPROVED

5. Consideration of subdividing Parcel 16 of the Civic Redevelopment Project (N. C. R-13) and approving a plat of that subdivision.

Mr. Wilbur King explained the subdivision of Parcel 16 into three parcels, and stated this subdivision had been approved by the Redevelopment Commission, HUD, and the Planning and Zoning Commission.

Regular Meeting Thursday, May 27, 1971 - 3:00 o'clock P. M.

Present: Mayor Richard A. Wood, Jr., presiding; Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Calvin Marshall, Ruben Dailey, J. W. Hoyle, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

Absent: Councilman Henry E. Colton

1. Approval of the minutes of the meeting of May 20, 1971.

Upon motion of Councilman Hoyle, seconded by Councilman Dailey, the minutes were approved as submitted.

ORDINANCE NO. 698 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING AND DEFINING THE LICENSE OR PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 19[illegible] AND ENDING JUNE 30, 1972

2. Second reading of Ordinance 698.

Said Ordinance N . 698 was passed on its second reading.

CIVIL SERVICE - APPOINTMENT OF DIRECTOR AND ONE MEMBER

Councilman Dailey moved that Mr. Earl Williams be appointed as Director of Civil Service, which motion was seconded by Councilman Ochsenreiter. Councilman Morris then moved that Mr Williams be appointed by acclamation, which motion was seconded by Councilman Hoyle and unanimously adopted.

Councilman Dailey moved that the Rev. N. M. Avery be appointed a member of the Civil Service Board, which motion was seconded by Councilman Marshall. Councilman Hoyle then moved that Mr. Avery be appointed by acclamation, which motion was seconded by Councilman Dailey and unanimously adopted.

ASHEVILLE TRANSIT AUTHORITY - APPOINTMENT OF MEMBER

3. Consideration of a resolution appointing a member of the Asheville Transit Authority.

Resolution No. 71-71, being "RESOLUTION APPOINTING MEMBER OF THE ASHEVILLE TRANSIT AUTHORITY", was, upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 page 59.

BRAUCATCHER TUNNEL - RESOLUTION RESCINDING MOTION

4. Consideration of a resolution rescinding a previous motion concerning the opening for traffic through braucatcher mountain.

Resolution No. 71-72, being "RESOLUTION RESCINDING A PREVIOUS MOTION OF THE COUNCIL REGARDING STUDIES AND PUBLIC HEARINGS TO CONSIDER ONE NEW TWO-LANE TUNNEL

CARL JOHNSON

Mr. Carl Johnson asked that Mr. Jennings Groome be returned as Executive Director of the Housing Authority.

Adjournment.

MAYOR Richard A. Wood, Jr.

Margaret Swimmer
CITY CLERK

CIVIC CENTER - RESIGNATION OF CAREY WILSON

The City Manager reported the resignation of Carey Wilson as Director of the Civic Center, effective June 30th.

ADMINISTRATIVE ASSISTANT - JAMES TROUP - RESIGNATION

The City Manager reported that James Troup, his administrative assistant, had resigned to enter the military service.

CITY STREETS

Councilman Ochsenreiter discussed the condition of the city streets and hoped in new budget something could be done to improve this situation.

The City Manager reported that money for this purpose came from Powell Bill funds, and that the present Legislature had passed a bill almost doubling the money to be received from the Powell Bill, but this would not be received until August 1972, and in the meantime the City would do the best it could to repair the streets with money available for this purpose.

FANNIE McCOY

Miss Fannie McCoy discussed the Model Cities program.

E. R. McCARTHY

Mr. E. R. McCarthy discussed the condition of the Asheville Speedway.

MARGARET HUBBARD

Mrs. Margaret Hubbard complained about what she termed the filthy condition of a dog pen located on the property next door to her.

The Mayor advised that this matter would be looked into by the proper officials.

LOREN PACKER

Mr. Loren Packer presented a statement by Margaret D. Standaart advising that Margaret Hubbard appeared before the Council and made complaints about the teaching of music by her, and raised the question of Mrs. Standaart being liable for payment of privilege tax, Mrs. Standaart stated that she has made a payment on account of said tax and will pay any tax legally payable by her.

Adjournment

MAYOR Richard A. Wood, Jr.

CITY CLERK

AND USING THE EXISTING TUNNEL FOR TRAFFIC IN THE OPPOSITE DIRECTION", was, upon motion of Councilman Morris, seconded by Councilman Hoyle, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 60.

SIGN - SHERATON MOTOR INN

6. Consideration of a permit to erect an entrance sign at the Sheraton Motor Inn.

Mr. Kmecza read a letter from the Planning and Zoning Commission recommending a permit for a one by four sign be granted.

Mr. George Chapin of Crawford Sign Company spoke on the matter.

Following a discussion Councilman Dailey moved that this matter be deferred until next week, which motion was seconded by Councilman Hoyle and unanimously adopted.

ZONING ORDINANCE - AMENDMENT REQUESTED (Lot 800, Sheet 16, Ward 8, Perry M. Alexander

7. Consideration of a petition for rezoning of property owned by Perry Alexander, Swannanoa River Road, from RA-6 to Roadside Business.

This request was referred to the Planning and Zoning Commission for study and recommendation.

CRESCENT STREET - REPORT OF CORPORATION COUNSEL

8. Review of the Crescent Street impoundment problem by Corporation Counsel.

The Corporation Counsel advised that the Building Inspector had issued an order to the owners of 30 Crescent Street to repair or remove the structure located at that address. Property owners appealed to Board of Adjustment and there was a hearing before said Board and the order of the Building Inspector was upheld. As it now stands property owners are ordered by the Building Inspector to remove, alter or repair this particular house on or before the 31st day of May.

On April 29th in a public meeting of the City Council reports were received from the Building Inspector, City Engineer, and sanitation people, and upon statements presented the property owners have until May 31st to repair the storm drain which is causing the difficulty and abate the nuisance which has been created upon property in area. Under the law the city is empowered to go on the premises and make repairs after this date and assess the cost against property owners.

PROCLAMATION - POPPY DAYS

The Mayor read a proclamation designating May 28th and 29th as Poppy Days.

PROCLAMATION -SCOUTING KEEP AMERICA BEAUTIFUL DAY

The Mayor read a proclamation designating June 5th as Scouting Keep America Beautiful Day.

ZONING ORDINANCE _ AMENDMENT
REQUESTED (Greenhill and
Deaverview)

5. Consideration of a petition for rezoning property of various owners on Greenhill and Deaverview from RA-6 to Neighborhood Trading to permit building of Dental and Medical offices.

This petition was referred to the Planning and Zoning Commission for study and recommendation.

ASHEVILLE TRANSIT AUTHORITY -
CONTRACT FOR METAL STORAGE BUILDINGS

6. Consideration of bids received May 11th for construction of metal storage buildings for the Asheville Transit Authority.

Resolution No. 71-75, being "RESOLUTION AUTHORIZING MAYOR TO ENTER INTO CONTRACT WITH COOPER CONSTRUCTION COMPANY OF HENDERSONVILLE, N. C. FOR THE CONSTRUCTION OF A METAL STORAGE BUILDING FOR THE ASHEVILLE TRANSIT AUTHORITY", was, upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 63.

ORDINANCE NO. 699 - AN ORDINANCE
TO AMEND ORDINANCE NO. 675 ENTITLED
'AN ORDINANCE CREATING AND DEFINING
THE MODEL CITIES COMMISSION AND CREATING
A MODEL CITIES AGENCY WITHIN THE OFFICE
OF THE CITY MANAGER

7. Consideration of an ordinance to amend Ordinance 675 which created the Model Cities Agency within the office of the City Manager.

Councilman Ochsenreiter introduced Ordinance 699, being "AN ORDINANCE TO AMEND ORDINANCE NO. 675 ENTITLED 'AN ORDINANCE CREATING AND DEFINING THE MODEL CITIES COMMISSION AND CREATING A MODEL CITIES AGENCY WITHIN THE OFFICE OF THE CITY MANAGER'", which was seconded by Councilman Dailey.

Councilman Morris moved that wherever the title Assistant to the City Manager for Program Development and Coordination appeared it be changed to read Municipal Coordinator, which motion was seconded by Councilman Marshall and unanimously adopted.

Said Ordinance No. 699, as amended, was unanimously passed on its first reading.

RETAINING WALL AT NORTHEAST CORNER
OF HIAWASSEE AND FLINT STREET - CONTRACT
WITH HOBSON CONSTRUCTION COMPANY

8. Consideration of a resolution authorizing the Mayor to execute a contract with Hobson Construction Company for building a retaining wall at the northwest corner of Hiawassee and Flint Streets, for which bids were obtained on an emergency basis.

Resolution No. 71-76, being "RESOLUTION AKTHORIZING MAYOR TO ENTER INTO CONTRACT WITH HOBSON CONSTRUCTION COMPANY FOR CONSTRUCTION OF RETAINING WALL AT THE CORNER

Regular Meeting Thursday, June 3, 1971 - 3:00 o'clock P. M.

Present: Mayor Richard A. Wood, Jr. presiding; Councilmen Eugene C. Ochsenreiter, Jr., Henry E. Colton, Ralph D. Morris, Jr., Calvin Marshall, Ruben Dailey, J. W. Hoyle, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

Absent: None

1. Approval of the minutes of themeeting of May 27, 1971.

Upon motion of Councilman Morris, seconded byCouncilman Colton, the minutes were approved as submitted.

ORDINANCE NO. 698 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1971 AND ENDING JUNE 30, 1972.

2. Third reading of Ordinance 698.

Said Ordinance No. 698 was passed on its third and final reading.

COMPREHENSIVE CHILD DEVELOPMENT PROGRAM - CONTRACT WITH BUNCOMBE COUNTY COMMISSIONERS FOR DEPARTMENT OF SOCIAL SERVICES

3. Consideration of a resolution authorizing the Mayor to execute a contract with the Buncombe County Commission for the Department of Social Services to administer a Comprehensive Child Development program.

Resolution No. 71-73, being "RESOLUTION AUTHORIZING THE EXECUTION OF A COOPERATION AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE BUNCOMBE COUNTY DEPARTMENT OF SOCIAL SERVICES FOR THE OPERATION OF THE COMPREHENSIVE CHILD DEVELOPMENT PROJECT OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM", was, upon motion of Councilman Colton, seconded by Councilman Marshall, unanimously adopted.

Complete copy of resolution will be found in resolution book 6 at page 61.

MODEL CITIES SUMMER PROGRAM PROJECT - CONTRACT WITH OPPORTUNITY CORPORATION OF MADISON-BUNCOMBE COUNTIES

4. Consideration of a resolution authorizing the Mayor to execute a third party contract with the Opportunity Corporation of Madison-Buncombe Counties for operating the Model Cities Summer Program Project.

Resolution No. 71-74, being "RESOLUTION AUTHORIZING THE EXECUTION OF A THIRD PARTY CONTRACT BETWEEN THE CITY OF ASHEVILLE AND THE OPPORTUNITY CORPORATION OF MADISON-BUNCOMBE COUNTIES FOR THE OPERATION OF THE SUMMER PROGRAM PROJECT OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM", was, upon motion of Councilman Hoyle, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 62.

$65,000 and establishment of a procedure whereby the city's accounting department would make deductions from firemen's paychecks for association dues, as is done for Police Department employees.

MISS McCOY

Miss McCoy spoke against metropolitan government.

Adjournment

MAYOR Richard H. Wood, Jr.

Margaret Simmons
CITY CLERK

OF FLINT STREET AND HIAWASSEE STREET", was, upon motion of Councilman Dailey, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 64.

SIGN - SHERATON MOTOR INN

9. Further consideration of a sign permit requested for the Sheraton Motor Inn for an entrance sign on Woodfin Street.

The Sheraton Motor Inn in its application requested a four by eight sign, but the Planning staff recommended a one by four sign.

Councilman Colton moved that the recommendation of the Planning and Zoning Commission be accepted, which motion was seconded by Councilman Ochsenreiter.

Mr. Rodney from the Sheraton Motor Inn spoke in favor of the four by eight sign.

Following a discussion Councilman Morris moved that this matter be referred back to the Planning and Zoning Commission and put on the agenda for next week, which motion was seconded by Councilman Hoyle and unanimously adopted.

MRS. HUBBARD COMPLAINT

Mr. Kilpatrick, the Environmental Inspector, reported that he had made an inspection of 9 Canterbury Road following the complaint of Mrs. Hubbard and found the condition to be clean.

The City Manager reported that Mrs. Hubbard was unable to be present today because of illness, but had requested him to report that the reason the condition was clean was because of a heavy rain and not by any efforts of Mrs. Standaart.

PROCLAMATION - KEMPER OPEN INVITATIONAL

The Mayor read a proclamation designating the week of June 7th through 13th as Kemper Asheville Open Invitational Week.

HOUSING AUTHORITY OF THE CITY OF ASHEVILLE - APPOINTMENT OF MEMBER (JESSE RAY)

The Mayor reported that after consultation with Council members he had appointed Jesse Ray for a three year term on the Housing Authority of the City of Asheville.

RECREATION PARK - SWIMMING POOL DEDICATION

The Mayor reported that Sunday, June 6th, was the dedication of the new swimming pool at Recreation Park.

FIREMEN - REQUEST FOR WAGE INCREASE

Mr. Wade Hall, representing the Asheville Fire FightersAssociation, made an appeal for upgraded compensation, asking the Council to consider in its upcoming budget deliberation a separate classification for fire truck drivers; a longevity program that would cost an estimated $45,000 a year, an increase in maximum salaries to $8,300 for proposed driver position and $7,920 for senior firemen at an estimated annual cost of

Regular Meeting Thursday, June 10, 1971 - 3:00 o'clock P. M.

Present: Mayor Richard A. Wood, Jr. presiding; Councilmen Eugene C. Ochsenreiter, Jr., Henry E. Colton, Ralph D. Morris, Calvin W. Marshall, Ruben Dailey, J. W. Hoyle, City Manager Phin Horton, III, Corporation Counsel J. W. Golding, and City Clerk Margaret Simmons.

Absent None

1 Approval of the minutes of the meetings of June 3 and June 8, 1971.

Councilman Colton moved that the minutes be approved, which motion was seconded by Councilman Ochsenreiter and unanimously adopted.

[illegible]

2 Second reading of Ordinance No. 699.

Said Ordinance No. 699 was unanimously passed on its second reading.

[illegible]

3. Consideration of the recommendation of the Planning and Zoning Commission concerning the rezoning request of Alexander Investment Company from RA-6 to Roadside Business.

Mr. Kmecza read the recommendation of the Planning and Zoning Commission which was that said property remain as now zoned

Mr Perry Alexander requested a public hearing on the matter, and Councilman Ochsenreiter moved that a public hearing be advertised at petitioner's expense, which motion was seconded by Councilman Hoyle and unanimously adopted

[illegible]

4. Consideration of a petition for rezoning property of Dr. C. A. Frazier on Busbee Road from RA-6 to Commercial.

This request was referred to the Planning and Zoning Commission for study and recommendation.

[illegible]

5 Consideration of a petition for rezoning property of various owners on Leicester Highway from Roadside Business to Commercial

This request was referred to the Planning and Zoning Commission for study

Special Meeting Tuesday, June 8, 1971 - 10:00 o'clock A. M.

Present: Mayor Richard A. Wood, Jr. presiding; Councilmen Henry E. Colton, Ralph D. Morris, Jr., Calvin W. Marshall, Ruben Dailey, J. W. Hoyle, City Manager Phin. Horton, III and City Clerk Margaret Simmons.

Absent: Eugene C. Ochsenreiter, Jr.

The Mayor announced that this special meeting is held at his request, and after due notice according to law, for the purpose of considering bids for the Heating and air conditioning, plumbing, and electrical installation at the Civic Center, and also for the purpose of considering bids for the Civic Center bonds.

CIVIC CENTER - BIDS FOR HEATING AND AIR CONDITIONING, PLUMBING, AND ELECTRICAL INSTALLATION

Mr. Baber of Baber & Wood, architects, advised that the low bids were as follows

For Heating and air conditioning	Moser Plumbing Company	$[illegible]16,200.00
For Plumbing	Moser Plumbing Company	$225,500.00
For Electrical installation	M. B. Haynes Electric Co.	$383,886.00

The Mayor announced that no action would be taken on the said bids at this time, but that the Council would await the recommendation of the Building Committee.

The Council then recessed until word could be received from Raleigh on the sale of the bonds.

The Council reconvened at 11:23, and Mr. Ward gave the bidders on the Civic Center bonds

BIDS - CIVIC CENTER BONDS.

Mr. Ernest Ward, Director of Finance, announced that the following bids had been received in Raleigh by the Local Government Commission for the sale of the Civic Center bonds:

Wachovia Bank & Trust Company	5.0490	Halsey Stewart Company	5.3135
First Citizens Bank & Trust Co.	5.0957	First Union National Bank	5.4167
North Carolina National Bank	5.1878		

The City Manager advised that he was very pleased with the bids, and recommended the acceptance of the low bid of Wachovia Bank & Trust Company of 5.0490 subject to verification by the Local Government Commission, Councilman Marshall recommended that said low bid be accepted, which motion was seconded by Councilman Morris and unanimously adopted.

Adjournment

MAYOR Richard A. Wood, Jr.

Margaret Simmons
CITY CLERK

CONTRACT BETWEEN THE CITY OF ASHEVILLE AND THE HADLEY CORPORATION", was, upon motion of Councilman Marshall, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 69.

CIVIC REDEVELOPMENT PROJECT NC R 13 - WAIVER OF LAND COVERAGE AND GROSS FLOOR AREA PROVISIONS

Consideration of a resolution approving action of the Asheville Housing Authority waiving land coverage and gross floor area provisions of the Civic Redevelopment Project (NC R-13) subject to approval of the City Council.

Resolution No. 71-82, being "RESOLUTION APPROVING ACTION TAKEN BY THE ASHEVILLE HOUSING AUTHORITY WAIVING LAND COVERAGE AND GROSS FLOOR AREA PROVISIONS, REQUIREMENTS AND RESTRICTIONS OF THE CIVIC REDEVELOOMENT PROJECT NC R-13', was, upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 70.

ZONING ORDINANCE - AMENDMENT REQUESTED - Wesley Grant

Public hearing to consider the request of Mr Wesley Grant to rezone property from Commercial to RA-5 Residential on Cherokee Street.

The Mayor opened the public hearing at 3:31, and the City Manager read the affidavit of publication and recommendation of the Planning and Zoning Commission.

Councilman Dailey spoke in favor of said rezoning.

Reverend Grant was not present, and Councilman Colton moved that the public hearing be continued until next week without further advertisement, which motion was seconded by Councilman Hoyle and adopted with Councilman Dailey dissenting.

The City Clerk was requested to notify Mr. Grant to be present if he wished to be heard.

PROCLAMATION - RECREATION MONTH

The Mayor read a proclamation designating the month of June as Recreation Month.

The Mayor then left the meeting and the Vice-Mayor took over the chair.

[illegible] Meeting

Miss McCoy spoke on fluoridation, public housing and other matters.

HIGHER EDUCATION - BILL REGARDING APPROVED

Councilman Colton introduced Resolution No. 71-83, being "RESOLUTION REGARDING A BILL WHICH WOULD RESTRUCTURE HIGHER EDUCATION IN NORTH CAROLINA", which was, upon motion of Councilman Colton, seconded by Councilman Morris, unanimously adopted

and recommendation with the request that a study be made of all properties on Leicester Highway in the City of Asheville upon motion of Councilman Colton, seconded by Councilman Morris, and unanimously adopted.

CIVIC CENTER - HEATING AND AIR CONDITIONING CONTRACT

6. Consideration of resolutions (3) authorizing the Mayor to execute contracts for mechanical work in the Civic Center Project.

Resolution No. 71-77, being "RESOLUTION AUTHORIZING THE MAYOR OF ASHEVILLE TO EXECUTE CONTRACT WITH MOSER PLUMBING COMPANY FOR THE HEATING AND AIR CONDITIONING CONSTRUCTION IN THE ASHEVILLE CIVIC CENTER", was, upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 65.

CIVIC CENTER - PLUMBING CONTRACT

Resolution No. 71-78, being "RESOLUTION AUTHORIZING THE MAYOR OF ASHEVILLE TO EXECUTE CONTRACT WITH MOWER PLUMBING COMPANY FOR THE PLUMBING CONSTRUCTION IN THE ASHEVILLE CIVIC CENTER, was, upon motion of Councilman Dailey, seconded by Councilman Marshall, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 66.

CIVIC CENTER - ELECTRIC INSTALLATION CONTRACT

Resolution No. 71-79, being "RESOLUTION AUTHORIZING THE MAYOR OF ASHEVILLE TO EXECUTE CONTRACT WITH M. B. HAYNES ELECTRIC CORPORATION FOR THE ELECTRIC CONSTRUCTION IN THE ASHEVILLE CIVIC CENTER", was, upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 67.

WATER MAIN EXTENSION - L. S. & M. BUILDERS, INC., CLEARVIEW SUBDIVISION

Resolution No. 71-80, being "RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH L. S. & M. BUILDERS, INC. CONCERNING WATER MAIN EXTENSIONS ALONG A 10FOOT EASEMENT BETWEEN LOTS 5 and 6 ALONG ALLISON COURT OF CLEARVIEW SUBDIVISION, BLOCK B, SWANNANOA TOWNSHIP, RECORDED IN PLAT BOOK 39, PAGE 81, REGISTER OF DEEDS OFFICE OF BUNCOMBE COUNTY", was, upon motion of Councilman Colton, seconded by Councilman Morris, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 68.

HADLEY CORPORATION - CONTRACT RENEWAL

8. Consideration of a resolution authorizing the Mayor to execute an agreement extending the computer service contract for water billing between the City of Asheville and the Hadley corporation.

Resolution No. 71-81, being "RESOLUTION AUTHORIZING EXTENSION OF COMPUTER SERVICE

Regular Meeting [illegible] **Thursday, June 17, 1971 - 3:00 o'clock P. M.**

Present: Mayor Richard A. Wood, Jr., presiding; Councilmen Henry E. Colton, Calvin W. Marshall, J. W. Hoyle.

Absent Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr. Ruben Dailey

1. Approval of the minutes of the meeting of June 10, 1971.

Upon motion of Councilman Hoyle, seconded by Councilman Colton, the minutes were approved as submitted.

ORDINANCE NO. [illegible] - AN ORDINANCE AMENDING ORDINANCE [illegible], AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF [illegible], AS AMENDED

2. Continuation of a public hearing regarding the rezoning request of Reverend Wesley Grant

The Mayor reopened the public hearing at 3:05

Mr. Louis Grant spoke in favor of the rezoning.

Mr. Walter Curry, Attorney for the Housing Authority, spoke against said rezoning, giving plans of the Housing Authority for said property.

Also speaking for the rezoning were John Grant and Mrs. Roy Rogers, and against the rezoning, Mr. Wilbur King.

The Mayor closed the public hearing at 4:00 o'clock.

Ordinance No. 700 was then passed on its first reading.

SIGN PERMIT - SHERATON MOTOR INN - NOT ALLOWED

3. **Further consideration of a sign permit request for an entrance sign at the Sheraton Motor Inn.**

Mr. Rodney spoke in favor of a 4 x 8 sign

Mr. Kmecza said the recommendation of the planning staff was for a 1 x 4 sign.

Following the discussion, Councilman Hoyle moved that the sign as requested be made up be permitted, which motion was seconded by Councilman Marshall, and upon the vote being taken was defeated, Councilman Colton voting no.

ORDINANCE NO. 699 - AN ORDINANCE TO AMEND ORDINANCE NO. 675 ENTITLED "AN ORDINANCE CREATING AND DEFINING THE MODEL CITIES COMMISSION AND CREATING A MODEL CITIES AGENCY WITHIN THE OFFICE OF THE CITY MANAGER"

Ordinance No. 699 was unanimously passed on its third and final reading.

Complete copy of resolution will be found in Resolution Book 6 at page 71.

PROPOSED LEGISLATION ESTABLISHING A $5,000.00 MAXIMUM EXEMPTION FROM PROPERTY TAXES - OPPOSED

Councilman Morris introduced a resolution concerning proposed legislation establishing a $5,000.00 maximum exemption from property taxes, which was, upon motion of Councilman Morris, seconded by Councilman Hoyle, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 72.

GOVERNMENTAL IMMUNITY REMOVAL - OPPOSED

Councilman Dailey introduced a resolution concerning the removal of governmental immunity as it now is applied to local governments, which was, upon motion of Councilman Dailey, seconded by Councilman Ochsenreiter, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 73.

STONER ROAD SPEED LIMIT

Reverend W. J. Burton presented a petition requesting reducing the speed limit on Stoner Road from 35 to 20 miles an hour and also to place No through trucks' sign on the street.

This request was referred to the Traffic Engineer for study and recommendation.

PUBLIC HOUSING - KENILWORTH - OPPOSED

Dr. G. L. Donohue opposed the construction of any low-rent public housing in Kenilworth.

RAGWEED

E. F. Allison requested the city to do what it could to cut down ragweed.

Adjournment

MAYOR Richard D. Wood, Jr.

CITY CLERK

Upon motion of Councilman Colton the Council finds as a fact that a sanitary nuisance does exist on this property and that it will take approximately fifteen to twenty days to abate this nuisance, and directs the Corporation Counsel to notify the owner that the Council has found a sanitary nuisance to exist and giving the owner until the 10th of July, 1971 to abate this nuisance or the City will abate the nuisance and charge the owner with the costs thereof.

WOMAN POWER-AMERICAN STYLE -
INVITATION TO ATTEND MEETINGS

Mrs. Zora Haynes on behalf of Woman Power-American style called the Council's attention to a series of six meetings designed to inform and alert the American people concerning the loss of freedoms, believing that an aroused public can turn the tide of conspiracy and save the nation from communism.

... [illegible]
CONDITION OF ...

A petition was presented calling attention to a sewerage condition in Smith Mill Creek and asked the City to correct this condition.

Attention was also called to the dirty condition of the water and the city was requested to correct this condition.

The City Manager was requested to look into these conditions, and report back to the Council.

WATER COMPLAINTS

Mr. Webb Morgan and Mr. Smith called attention to a lack of water in the Deaverview section, and asked that the city extend water lines in this area.

Mr. Howard Clark complained about the dirty condition of water at his residence on Sheridan Road.

MODEL CITIES COMMISSION

The Mayor advised that Mrs. Vivian Johnson had resigned as a Commissioner of the Model Cities Commission, that under the by-laws of the Commission the person who received the second highest number of votes in the election held April 13, 1968 should be appointed to fill this vacancy, provided he or she was qualified, that he had a certificate showing Mrs. Johnson was elected in precinct No. 2, but that she resigned as a Commissioner in precinct No. 3 and that Mr. Lee Gaines should be appointed to replace her in precinct No. 3 and asked Mr. Delaney about this. Mr. Delaney advised that he would straighten this out.

Adjournment

MAYOR [signature]

[signature]
CITY CLERK

BUDGET PRESENTATION

The City Manager presented the budgets for the year 1971-72.

Councilman Colton moved that the budget be taken under consideration by the City Council, that it lie on the City Clerk's desk for 20 days, and that the City Clerk be authorized to advertise that the budget is open for public inspection, which motion was seconded by Councilman Marshall and unanimously adopted.

Councilman Colton moved that the Utility Budget be taken under consideration by the City Council, that it lie on the City Clerk's desk for 20 days, and that the City Clerk be authorized to advertise that the Utility Budget is open for public inspection which motion was seconded by Councilman Hoyle and unanimously adopted.

MODEL CITIES - SANITATION PARTICIPATION PROJECT

6. Consideration of a resolution amending the City Demonstration Program by adoption of a new project entitled "Sanitation Participation Project."

Resolution No. 71-86, being "RESOLUTION AMENDING THE ASHEVILLE COMPREHENSIVE CITY DEMONSTRATION PROGRAM BY ADOPTION AND INCLUSION THEREIN OF A NEW PROJECT, ENTITLED SANITATION PARTICIPATION PROJECT AND ESTABLISHING A NEW POLICY FOR THE CITY DEPARTMENT OF PUBLIC WORKS", was, upon motion of Councilman Colton, seconded by Councilman Marshall, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 74.

MODEL CITIES - RODENT CONTROL PROGRAM

7. Consideration of a resolution amending the City Demonstration Program by adoption of a new project entitled "Rodent Control Program."

Resolution No. 71-87, being "RESOLUTION AMENDING THE ASHEVILLE COMPREHENSIVE CITY DEMONSTRATION PROGRAM BY ADOPTION AND INCLUSION THEREIN OF A NEW PROJECT ENTITLED RODENT CONTROL PROGRAM AND RECOMMENDING A NEW POLICY FOR THE CITY DEPARTMENT OF PUBLIC WORKS", was, upon motion of Councilman Marshall, seconded by Councilman Hoyle, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 75.

SANITARY NUISANCE - PROPERTY [redacted] INTERSECTION OF TUNNEL ROAD AND GOVERNOR'S VIEW ROAD

8. Consideration of authorizing a public hearing to determine whether or not a public sanitary nuisance exists on property near the intersection of Tunnel Road and Governor's View Road.

Mr. Johnson described the condition of the property which he said was being used as a dumping ground for refuse and garbage, and read a letter from Dr. Stevens, County Health Officer, in regard thereto.

The Corporation Counsel advised that the City could give the owner notice to clear up said condition or the city would have the right to go in and clear it up and charge the costs to the property owner.

ORDINANCE NO. 701 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCALYEAR 1971-72

5. First reading of Annual Budget Ordinance

Ordinance No. 701, was unanimously passed on its first reading.

ORDINANCE NO. 702 - INTERIM APPROPRIATION ORDINANCE

6 Consideration of Interim Appropriation Ordinance.

Ordinance No. 702 was unanimously passed on its first reading.

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS - DISPENSED WITH

Councilman Dailey moved that the charter requirement that the ordinance be read on three separate days be dispensed with, which motion was seconded by Councilman Morris and unanimously adopted

ORDINANCE NO. 702 - INTERIM APPROPRIATION ORDINANCE

Ordinance No. 702 was unanimously passed on its second reading.

ORDINANCE NO. 702 - INTERIM APPROPRIATION ORDINANCE

Ordinance No. 702 was unanimously passed on its third and final reading.

MODEL CITIES - STREET RESURFACING PROJECT

7 Consideration of resolution approving street resurfacing project.

Resolution No. 71-89, being "RESOLUTIONAMENDING THE ASHEVILLE COMPREHENSIVE CITY DEMONSTRATION PROGRAM BY ADOPTION AND INCLUSION THEREIN OF A NEW PROJECT, ENTITLED STREET RESURFACING PROJECT AND RECOMMENDING A NEW POLICY FOR THE CITY DEPARTMENT OF PUBLIC WORKS", was, upon motion of Councilman Dailey, seconded by Councilman Doyle, unanimously adopted

Complete copy of resolution will be found in Resolution Book 6 at page 77

MODEL CITIES - OPERATION UPWARD TRAINING

8. Consideration of resolution approving Irene Wortham Day Care program.

Resolution No. 71-90, being "RESOLUTION AMENDING THE ASHEVILLE COMPREHENSIVE CITY DEMONSTRATION PROGRAM BY ADOPTION AND INCLUSION THEREIN OF A NEW PROJECT, ENTITLED OPERATION UPWARD TRAINING", was, upon motion of Councilman Schumacher, seconded by Councilman Marshall, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 78.

Regular Meeting Thursday, June 24, 1971 - 3:00 o'clock P. M.

Present. Mayor Richard A. Wood, Jr. presiding; Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Calvin W. Marshall, Ruben Dailey, J. W. Hoyle, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding and CIty Clerk Margaret Simmons.

Absent: Henry E. Colton, Council man

1. Approval of the minutes of the meeting of June 17, 1971.

Mayor Wood asked that the minutes be amended to add his statement at the beginning of last week's meeting that since only four members of the Council were present it would take the unanimous vote of all members to take any action, and with this amendment the minutes were approved as submitted.

ORDINANCE No. 700 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, AS AMENDED"

Reverend Wesley Grant spoke in favor of said rezoning and thanked the Council for their action of the previous week.

Ordinance No. 700 was then passed on its second reading.

COLLEGE STREET - PORTION OF CLOSED

3. Public hearing on the closing of a portion of College street in the Civic Redevelopment Project NC R-13.

The Mayor opened the public hearing at 3:10, and Mr. Anthony Redmond explained the necessity for closing said portion of College Street. The Mayor closed the public hearing at 3:15.

Resolution No. 71-88, being "RESOLUTION AUTHORIZING ABANDONMENT AND CLOSING AND DISCLAIMING ANY PUBLIC INTEREST IN A PORTION OF COLLEGE STREET", was, upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, unanimously adopted with Mayor Wood abstaining from voting.

Complete copy of resolution will be found in Resolution Book 6 at page 76.

PLAT URBAN RENEWAL UNIT TWO, LOTS 7, 8, & 8B - APPROVED

4. Consideration of Urban Renewal Land subdivision.

Mr. Kmecza read the letter recommending approval of this plat by the Planning and Zoning Commission.

Councilman Morris moved that the plat be approved, which motion was seconded by Councilman Ochsenreiter, and adopted with Mayor Wood abstaining from voting.

The CIty Manager advised that the state has ordered some specially fabricated control devices that will help coordinate street traffic signals with movement of trains at the Southern Railway grade crossing.

This matter was referred to the CIty Manager.

MISS McCOY

Miss McCoy spoke in opposition to the addition of fluoride to the public water supply

[illegible]

Mrs Stroup spoke about the noise in the city, especially at night

[illegible]

Mrs. Nate Jackson, representing a delegation of residents from the Montford Ave. section, spoke about the invasion of the neighborhood by an assortment of undesirable young people, advising that the young people make noise from nightfall to all hours of the morning, race noisy motorcycles and cars, purposely block traffic, and other acts.

Other speakers on this subject were Mrs Louise Lorick, Mrs Ray Overton, Mrs. Tom Boyd, Mr John Nish, Mr. Bassett.

The City Manager suggested that the Corporation Counsel and Chief of Police confer to see what laws, if any, are being violated, and Chief Hall suggested the use of auxiliary policemen.

[illegible]

Councilman Dailey called attention to a culvert at 93 Buchanan, advising that water going through this culvert has washed and uprooted a tree.

Councilman Dailey also advised that a lot at 93 Gates Street is overgrown with weeds, and something should be done about this

These matters were referred to the CIty Manager

Adjournemnt

MAYOR Richard D. Woodfin

CITY CLERK

MODEL CITIES - FAMILY PLANNING PROJECT

9. Consideration of resolution approving family planning project.

Resolution No. 71-91, being "RESOLUTION AMENDING THE ASHEVILLE COMPREHENSIVE CITY DEMONSTRATION PROGRAM BY ADOPTION AND INCLUSION THEREIN OF A NEW PROJECT, ENTITLED FAMILY PLANNING PROGRAM", was, upon motion of Councilman Marshall, seconded by Councilman Hoyle, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 79.

DEBRA LANE REPORT

10. Report on water and sewer line conditions on Debra Lane.

The City Manager read a letter from Mr. Buirgy regarding the water and sewer line conditions on Debra Lane, and said that said conditions had been corrected.

PROCLAMATION - POSTAL SERVICE DAY

The Mayor read a proclamation designating July 1st as Postal Service Day.

ANNEXATION REPORT

Mr. Kmecza, Director of Planning, presented a resume of the Annexation Report prepared by the Metropolitan Planning Board, which explained procedures of annexation, suggested areas to be annexed and gave cost of service to areas, together with other pertinent information.

MODEL CITIES COMMISSION - APPOINTMENT OF LEO GAINES

The Mayor advised that the bylaws of the Model Cities Commission provided that the person who received the second highest number of votes in the election held April 19, 1969 should be appointed to fill a vacancy in said precinct provided he or she was qualified; that Mrs. Allene Johnson had resigned as Commissioner from Precinct No. 2, that Leo Gaines received the second highest number of votes, and that therefore he was appointed as Commissioner in Precinct No. 2

COMMUNITY RENEWAL PROGRAM AND COMMUNITY PLANNING ASISTANCE GRANTS APPROVED.

The City Manager advised that he had received a report from Representative Roy A. Taylor that a $90,713 grant for a Community Renewal Program and a $60,433 grant for a Community Planning ssistance grant had been approved.

BILTMORE MERCHANTS - REQUEST TO AID TRAFFIC

Mr. A. J. Johnson on behalf of merchants in the Biltmore area presented a petition requesting the assignment of a traffic officer at the intersection of Edge Street and Hendersonville Road on week days between the hours of 10 o'clock a. m. and 6 o'clock p. m. and to continue this arrangement until such time as adequate and satisfactory automatic control equipment has been installed at this intersection.

ORDINANCE NO. 704 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1971-72

Ordinance N . 704 was unanimously passed on its first reading.

MODEL CITIES - DEMOLITION PROGRAM

5. Consideration of resolution authorizing the Mayor to execute a contract for the Model Cities demolition project.

Resolution No. 71-92, being "RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO A COOPERATION AGREEMENT WITH THE DEPARTMENT OF PUBLIC SAFETY--HOSUING DIVISION FOR THE OPERATION OF THE DEMOLITION PROGRAM PROJECT OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM," was, upon motion of Councilman Dailey, seconded by Councilman Marshall, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 90.

CIVIC REDEVELOPMENT PROJECT NC R-13 - SALE OF PARCEL 8A

6. Consideration of bids received on Parcel 8A in the Civic Redevelopment Project NC R-13.

Mr. Ray Wheeling, executive director, advised that Beverly-Grant, Inc., had bid in Parcel 8A for $18,045.77, and that the Housing Authority recommended acceptance of this bid.

Councilman Ochsenreiter moved that the bid be accepted, which motion was seconded by Councilman Hoyle and unanimously adopted.

RECREATION BOARD FOR ASHEVILLE - APPOINTMENT OF MEMBERS (Frank T Leppert and Gene Wike)

Resolution N . 71-93, being "RESOLUTION APPOINTING MEMBERS FOR THE RECREATION BOARD FOR ASHEVILLE", was, upon motion of Councilman Morris, seconded by Councilman Colton, unanimously adopted.

Complete copy of resolution will be foundin Resolution Book 6 at page 91.

BOXING AND WRESTLING COMMISSION - APPOINTMENT OF MEMBERS (Robert B. Terrell, Leon H. Feldman and Allmond H. Jones, Jr)

Resolution No. 71-94, being "RESOLUTION DESIGNATING ROBERT B. TERRELL, LEON H. FELDMAN, AND ALLMOND H. JONES, JR. TO SERVE UPON THE BOXING AND WRESTLING COMMISSION FOR THE CITY OF ASHEVILLE", was, upon motion of Councilman Marshall, seconded by Councilman Ochsenreiter, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 92.

Regular Meeting Thursday, July 1, 1971 - 4:00 o'clock P. M.

Present: Mayor Richard A. Wood, Jr. presiding; Councilmen Henry E. Colton, Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Calvin W. Marshall, Ruben Dailey, J.W. Hoyle, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding, and City Clerk Margaret Simmons.

1. Approval of the minutes of the meeting of June 24, 1971.

Councilman Ochsenreiter asked that the minutes be corrected to show that Councilman Colton was present during the latter part of the meeting, and with this correction upon motion of Councilman Hoyle, seconded by Councilman Dailey, theminutes were approved as submitted.

ORDINANCE NO. 703 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. Public hearing on the rezoning request of Perry Alexander for property on River Road from RA-6 to Roadside Business.

The Mayor opened the public hearing at 3:01, and Mr. William C. Moore, representing Perry Alexander, spoke in favor of the rezoning request, and read a letter from Mr. F. L. Hutchison, Division Engineer, that the State Highway Commission has no plans for reworking of NC 81 on US 74 at its entrance of the Asheville Recreation Park. Mr. Alexander also spoke in favor of the rezoning.

Mr. Allen Lang of the planning staff spoke against the rezoning.

The Mayor closed the public hearing at 3:27.

Following a discussion, Ordinance No. 703 was passed on its first reading with Councilman Colton, Dailey and Mayor Wood voting against said ordinance, and Councilmen Ochsenreiter, Morris, Marshall and Hoyle voting for said ordinance.

ORDINANCE NO. 700 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

3. Third reading of Ordinance 700, rezoning property of Reverend Wesley Grant.

Said Ordinance No. 700 was unanimously passed on its third and final reading.

ORDINANCE NO. 701 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1971-72

4. Second reading of Ordinance 701, Budget Ordinance

Councilman Dailey moved that the second reading of Ordinance No. 701 be deferred until next Thursday, which motion was seconded by Councilman Hoyle and unanimously adopted.

Regular Meeting Thursday, July 8, 1971 - 3:00 o'clock P. M.

Present: Mayor Richard A. Wood, Jr. presiding; Councilmen Eugene C. Ochsenreiter, Henry E. Colton, Ralph D. Morris, Jr., Calvin W. Marshall, Ruben Dailey, J. W. Hoyle, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding and City Clerk Margaret Simmons.

Absent: None

1. Approval of the minutes of the meeting of July 1, 1971.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, the minutes were approved as submitted.

ORDINANCE 703 - AN ORDINANCE AMENDING ORDINANCE 0322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

Mr. William Moore again spoke in favor of said rezoning.

Ordinance 703 was passed on its second reading.

ORDINANCE 701 AND 704 - Ordinances ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1971-72

Councilman Morris moved that Ordinances 701 and 704 be deferred until the next meeting of the Council, which motion was seconded by Councilman Dailey and unanimously adopted.

ZONING ORDINANCE - AMENDMENT REQUESTED
Map 1-3 W, Sheet 30, Hazel Ward,

5. Consideration of a petition for rezoning from RA-6 to Commercial property on Oak Hill Drive owned by A. W. Laing.

This petition was referred by the Council to the Planning and Zoning Commission for study and recommendation.

AGREEMENT WITH WACHOVIA BANK TO PROVIDE FOR DESTRUCTION OF BONDS AND COUPONS WHICH HAVE BEEN PAID

6. Consideration of a resolution authorizing the Mayor to execute an agency disposal agreement with Wachovia Bank & Trust Company to provide for destruction of bonds and coupons pertaining to various issues which have been paid.

Resolution No. 71-73, being "RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A TEN (10) YEAR (RETRACTIVE BACK TO MAY 1, 1965) AGENCKYDISPOSAL AGREEMENT WITH THE WACHOVIA BANK AND TRUST COMPANY AND THE MANUFACTURERS HANOVER TRUST COMPANY", was, upon motion of Councilman Marshall, seconded by Councilman Hoyle, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 61.

BOARD OF ADJUSTMENT - APPOINTMENT OF MEMBERS (John M. Acee, W. G. Adams, Jr., Wm. T. Duckworth, Jr., A. R. Sluder and Herbert Wallace)

Resolution No. 71-95, being "RESOLUTION APPOINTING MEMBERS TO BOARD OF ADJUSTMENT UNDER ORDINANCE #322", was, upon motion of Councilman Dailey, seconded by Councilman Hoyle, unanimously adopted.

Complete copy of resolutionwill be found in Resolution Book 6 at page 93.

ADULT ADVISORY BOARD OF THE ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL - APPOINTMENT OF MEMBERS (Henry Robinson, Dr. Roger A. James, William H. Haggard, Michael Nations)

Resolution No. 71-96, being "RESOLUTION APPOINTING MEMBERS TO THE ADULT ADVISORY BOARD OF THE ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL", was, upon motion of Councilman Hoyle, seconded by Councilman Dailey, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 94.

BINGHAM HEIGHTS APARTMENTS - PLAT APPROVED

The CIty Manager read a letter from the Planning and Zoning Commission recommending approval of a plat of Bingham Heights Apartments.

Councilman Colton moved that this plat be approved, which motion was seconded by Councilman Ochsenreiter and unanimously adopted.

MISS McCOY

Miss McCoy spoke on the budget ordinance and the fluoridation of the public water supply.

REVEREND WESLEY GRANT

Reverend Wesley Grant spoke on procuring $1,000,000 from the Model Cities for the purpose of constructing public housing.

Adjournment

MAYOR Richard D. Wood, Jr.

Margaret Lawrence
CITY CLERK

ORDINANCE NO. 705 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 9,11, 15, and 17 BLACKLOCK AVENUE, 84 BOYD STREET, 61 BUFFALO STREET, 18 CLUB STREET, 185 FAYETTEVILLE STREET, 91 GAY STREET, 2, 4, 6, 7, 8, 9, 10, and 11 SHORT GUDGER STREET, 51 and 55 GUDGER STREET, 1331 HAYWOOD ROAD, 7 and 9 JANE STREET, 41 LINCOLN AVENUE, 15 and 123 MOUNTAIN STREET, 169 PARK AVENUE, 59 and 63 PARK SQUARE, 247 PATTON AVENUE, 287 PEARSON DRIVE, 76 RALPH STREET, 42 and 44 VELVET STREET, 119 WOODCOCK STREET, 2[illegible] and 15[illegible] WEAVER STREET AND 35 WHITE AVENUE

8. Consideration of an ordinance directing the housing Officer to demolish various substandard houses under authority of Chapter 8 of the Code of Ordinances.

Ordinance No. 705 was unanimously passed on its first reading.

Adjournment

Richard A. Wood, Jr.
MAYOR

Margaret Hunnicutt
CITY CLERK

SHERATON MOTOR INN - SIGN PERMIT GRANTED

7. Further consideration of a request for a sign permit at the entrance to the Sheraton Motor Inn.

Mr. Botany of the Sheraton Motor Inn spoke in favor of a 4 x 8 sign.

The Mayor called for a vote of all those in favor of granting the permit and the vote was four to two in favor of granting the permit.

FIREMEN'S RELIEF FUND - APPOINTMENT OF MEMBER (T. Cecil Tillett)

Resolution No. 71-74, being "RESOLUTION APPOINTING MEMBER OF BOARD OF TRUSTEES OF THE FIREMEN's RELIEF FUND", was, upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, unanimously adopted.

Complete copy of resolution will be found in Resolution Book 6 at page 62.

MISS McCOY

Miss McCoy spoke on the salary of the City Manager and fluoridation of the public water supply

WESLEY GRANT

Reverend Wesley Grant spoke in opposition to street dances.

Councilman Dailey said he had had some calls in regard to this, and was pleased to announce that the street dance scheduled for Madison Avenue would not be held.

NOLA KNUCKLES

Mrs. Nola Knuckles, a Model Cities commissioner, extended an invitation to the Council members to attend an open house to be held by the Senior Citizens Center at 36 Grove Street from 3 to 5 p. m. on Sunday.

MONTFORD PARK - DRUGS

Jim Reader spoke about Montford Park and especially the use of drugs, and read a lengthy article which dealt with use of drugs, reasons youth resort to use of drugs and police abuse.

Karen Rector also spoke on this subject.

Councilman Ochsenreiter suggested a meeting to try to deal with an approach to this problem..

E. R. MCCARTHY

Mr. E. R. McCarthy spoke about the new West Asheville bridge, and the desirability of an artery leading from Ashland Avenue to the eastern entrance to the bridge.

Ordinance 703 was passed on its third and final reading with Councilman Colton voting "no".

A complete copy of the ordinance will be found in Ordinance Book 5 Page 177.

3 AMENDMENT TO ORDINANCE 701, "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1971-72"

At the request of Mayor Wood Councilman Morris read the list of proposed changes. This list of changes was then marked Exhibit "A" and is made a part of these minutes.

Mr. Anthony Lord, Mrs. Anne Coxe, Mrs. Sandburg, Mrs. Mary Nyland, Mr. Walker McGuire and Miss Annie Westall all spoke in support of more appropriations for the library. They cited the need for more books and more space as their primary concern.

Councilman Morris moved for the adoption of the admendment. Councilman Hoyle seconded his motion and it was carried unanimously.

Amendment to Ordinance 701, "An ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the fiscal year 1971-72", as amended.

Ordinance 701 passed on its second reading.

4 AMENDMENT TO ORDINANCE 704, "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1971-72

At the request of Mayor Wood Councilman Morris read the list of proposed changes. This list of changes is marked Exhibit "B" and made a part of these minutes.

Councilman Colton moved the adoption of the admendment. It was seconded by Councilman Marshall and was unanimously adopted.

Amendment to Ordinance 704, "An Ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the fiscal year 1971-72", as amended.

Ordinance 704 passed on its second reading.

5. ORDINANCE NO. 705 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 9, 11, 15 and 17 BLAYLOCK AVENUE, 84 BOYD STREET, 61 BUFFALO STREET, 18 CLUB STREET, 185 FAYETTEVILLE STREET, 91 GAY STREET, 2, 4, 6, 7, 8, 9, 10 and 11 SHORT GUDGER STREET, 51 and 55 GUDGER STREET, 15 OF HAYWOOD ROAD, 7 and 9 JANE STREET, 41 LINCOLN AVENUE, 15 and 123 MOUNTAIN STREET, 169 PARK AVENUE, 59 and 63 PARK SQUARE, 247 PATTON AVENUE, 287, PEARSON DRIVE, 76 RALPH STREET, 42 AND 44 VELVET STREET, 119 WANOCA STREET, 26 and 39 WEAVER STREET, 35 WHITE AVENUE.

MR. E. A. HENSLEY - 9, 11, 15 and 17 BLAYLOCK STREET

Mr. E. A. Hensley appeared before Council and stated that he was the owner

Regular Meeting Thursday, July 15, 1971 - 3 o'clock P.M.

Present: Mayor Richard A. Wood, Jr. presiding; Councilmen Eugene C. Ochsenreiter, Henry E. Colton, Ralph D. Morris, Jr., Calvin W. Marshall, Reuben Dailey, J. W. Hoyle, City Manager Phin Horton, III, Corporation Counsel J. M. Golding and City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of the meeting of July 8, 1971.

Upon motion of Councilman Hoyle, seconded by Councilman Dailey, the minutes were approved as submitted.

MARGARET SIMMONS RETIREMENT AS CITY CLERK

Mayor Wood read a letter from Margaret Simmons requesting retirement from the office of City Clerk.

RESOLUTION COMMENDING MARGARET SIMMONS

Resolution No. 71-98, being a resolution expressing the graditude of the City of Asheville to Miss Margaret Simmons for her many years of dedicated service as City Clerk, was, upon motion of Councilman Dailey, seconded by Councilman Ochsenreiter, unanimously adopted.

Mayor Wood read a "Joint Statement of City Council and the City Manager relating to the appointment of William F. Wolcott, Jr., as City Clerk and Assistant City Manager.

RESOLUTION APPOINTING WILLIAM F. WOLCOTT, JR. CITY CLERK

Resolution No. 71-99, being "Resolution Appointing William F. Wolcott, Jr., as City Clerk", was, upon motion of Councilman Morris, seconded by Councilman Hoyle, unanimously adopted. The oath of office was administered by Mayor Wood.

2. ORDINANCE 703 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED.

Mr. William C. Moore, representing Mr. Perry Alexander, spoke in favor of the ordinance.

Mrs. Ray Posten, Mr. Charles Inman and Mrs. Charles Waddell spoke against the ordinance.

Nicholas Kmecza, Planning Director, requested that Council postpone the 3rd reading until further flood studies could be made by T. V. A.

Mr. Moore, on behalf of Mr. Alexander, offered to deed to the City, portions of the property proposed for rezoning.

Councilman Colton made a statement with reference to cleaning up the area to be given to the City.

9. CONSIDERATION OF A RECOMMENDATION OF THE ASHEVILLE HOUSING AUTHORITY PROPOSING THE SALE OF PARCEL 16B and 16C OF THE CIVIC REDEVELOPMENT PROJECT TO OVERLAND INVESTMENTS, LTD. FOR CONSTRUCTION OF A FOURTEEN STORY CONVENTION HOTEL, THREE DECK PARKING GARAGE AND A THREE STORY OFFICE BUILDING.

Mr. Ray Wheeling, Director of the Asheville Housing Authority, reported to the Council that Overland Investments, Ltd. had submitted a bid to the Asheville Housing Authority for $310,359.78 for lots 16B and 16C in the Civic Redevelopment Project. He stated that this company proposed to construct a fourteen story convention hotel, a three story parking lot and a three story parking garage at a cost of approximately 8-10 million dollars. The developer will be required to submit construction drawings within 9 months from date of acceptance, to take possession in 3 months, and to start construction 3 months later. He further stated that the proposal had been unanimously approved by the Asheville Housing Authority.

Councilman Morris moved that the proposal be accepted. Councilman Hoyle seconded the motion and it was carried unanimously.

RESOLUTION NO. 71 AUTHORIZING THE EXECUTION OF A THIRD PARTY CONTRACT BETWEEN THE CITY OF ASHEVILLE AND MOUNTAIN MANPOWER, INCORPORATED FOR THE OPERATION OF THE EMPLOYMENT SERVICE SYSTEM PROJECT OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM.

10. Consideration of a resolution authorizing the Mayor to execute a third party contract between the City of Asheville and Mountain Manpower, Incorporated for the operation of the Employment Service System of the Model Cities program.

The City Manager read the resolution and upon motion of Councilman Marshall, seconded by Councilman Dailey the resolution passed unanimously.

12. TRIANGLE CONSULTANT ASSOCIATE'S FINAL REPORT ON THE CITIZENS PARTICIPATION PROJECT OF THE MODEL CITIES PROGRAM

Mr. Bill Riddick, Director of the Triangle Consultant Associates, gave the report in brief and cited youth problems, setting up of Leadership Development Programs and Housing as the 3 major recommendations of the report. Mayor Wood thanked him and requested that he submit the written report.

PROCLAMATION - CRAFTSMAN FAIR WEEK.

Mayor Wood read a proclamation designating the week of July 19, 1971, as Craftman's Fair Week.

WILLIAM PEYTON

Mr. William Peyton, Chairman of the Recreation Advisory Board, spoke in favor of the Perry Alexander offer to deed to the City certain property in the vicinity of Recreation Park and his board recommends that the offer be accepted.

Adjournment

Robert L. A. Wood, Sr.
Mayor

Miriam J. Doherty
City Clerk

of the houses at 9, 11, 15 and 17 Blaylock Street. No. 17, he said, was already partially demolished and he would complete this demolition. However, he requested an extension of time to rehabilitate Nos. 9, 11 and 15, which he intended to use as rental property. His request was for 30 days for each house or a total of 90 days.

Mayor Wood instructed Mr. Hensley to consult with Building Inspector J. E. Johnson before the final reading.

Ordinance No. 705 was unanimously passed on its second reading.

ZONING ORDINANCE ADMENDMENT R. L. COLEMAN PROPERTY - DRUID DRIVE

6. Consideration of a request from R. L Coleman and wife Betty B. Coleman that tax Lot 12½, Sheet 14, Ward 6 of the Buncombe County Tax Maps, be rezoned from RA-6 Residential to Neighborhood Trading.

This request was referred to the Planning and Zoning Commission for recommendation.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION FOR REZONING PROPERTY ALONG LEICESTER HIGHWAY FROM PATTON AVENUE TO CITY LIMITS

7. Consideration of a recommendation from the Planning and Zoning Commission regarding property along Leicester Highway.

Mr. Nicholas Kmecza, Director of Planning, read the report of the Planning and Zoning Commission recommending that certain properties along Leicester Highway from Patton Avenue to the City Limits be rezoned from Roadside Business to Commercial.

Mrs. Herbert Hyde appeared on behalf of Z. R. Shepherd, one of the petitioners and spoke in favor of the rezoning.

Upon motion of Councilman Colton, seconded by Councilman Morris, it was moved that a public hearing be advertised at the petitioners expense. This motion carried unanimously.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION FOR REZONING LOT 37, WARD 4, SHEET 13, PLUS ALL THE PROPERTY BOUNDED BY BILTMORE AVENUE, ST. DUNSTAN'S STREET, STERLING STREET AND ROEBLING CIRCLE, EXCEPT LOT #8, FROM RA-6 AND COMMERCIAL DISTRICT TO INSTITUTIONAL.

8. Consideration of a recommendation from the Planning and Zoning Commission regarding rezoning of property bounded by Biltmore Avenue, St. Dunstan's Street, Sterling Street, and Roebling Circle.

Mr. Nicholas Kmecza, Planning Director, read the report from the Planning and Zoning Commission recommending this rezoning from RA-6 and Commercial District to Institutional.

Upon motion of Councilman Colton, seconded by Councilman Dailey, it was moved that a public hearing be advertised at the petitioners expense. This motion carried unanimously.

Since this might delay the third reading it was upon motion by Councilman Dailey, seconded by Councilman Colton, moved that 247 Patton Avenue be deleted from the title or caption of the ordinance and that Council proceed with the third reading.

This motion carried unanimously.

E. A. Hensley, owner of 9-11-15-17 Blaylock Street, spoke again in reference to an extension of time to rehabilitate 9-11-15 and to finish the demolition of No. 17. He asked that 9-11-15 be deleted from the ordinance.

Mayor Wood asked for a motion but received none.

Mr. Hensley was instructed by Mayor Wood that if the ordinance passed he would not be allowed to remodel the houses, however, he was informed that he would be allowed to salvage any and all materials.

Robert Tucker spoke in behalf of Leroy Stone, owner of 18 Clubb Street. He cited sickness, death in the family and lack of finances that prevented the owner from renovating the premises within the time allotted. He stated that it was the intention of the owner to complete the remodeling and asked for an extension.

Mayor Wood called for a motion to delete 18 Clubb Street from the ordinance. He received none.

Ordinance 705 was unanimously passed on its third and final reading.

A complete copy of the ordinance will be found in Ordinance Book 5, Page 181.

CONSIDERATION OF A REZONING PETITION FROM RESIDENTS OF DRUID DRIVE

5. The City Manager read a petition from the residents of Druid Drive asking for rezoning.

This petition was referred to the Planning and Zoning Commission for study and recommendation.

Vice Mayor Marshall requested that Mace Avenue also be given consideration at the same time.

CONSIDERATION OF BID PROPOSALS RECEIVED FOR LOT #18 and LOT #45 IN EAST RIVERSIDE URBAN RENEWAL PROJECT NCP-48

6. Mr. Ray Wheeling, Director of Asheville Housing Authority read the following recommendation from the Housing Authority:

Mrs. Carrie Mayfield of 326 Asheland Avenue, bid $1410 for Lot No. 18, at 26 Morgan Street. The reuse value of this lot was $1400.

C. C. Blount Associates, Inc., P. O. Box 890, bid $1610 for Lot #45 at 95 Bartlett Street. The reuse value of this lot was $1600.

It was explained that construction of single family dwellings would begin 30 days after the property is conveyed to the new owners.

It was moved by Councilman Morris, seconded by Vice Mayor Marshall that the bids be accepted. This motion carried unanimously.

Regular Meeting Thursday, July 22, 1971 - 3:00 o'clock P.M.

Present: Mayor Richard A. Wood, Jr., presiding; Councilman Eugene C. Ochsenreiter, Henry E. Colton, Ralph D. Morris, Jr., Calvin W. Marshall, Ruben Dailey, J. W. Hoyle, City Manager Phin. Horton, III, Corporation Counsel J. N. Golding and City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of the meeting of July 15, 1971.

Upon motion of Councilman Morris, seconded by Vice Mayor Marshall, the minutes were approved as submitted.

ORDINANCE NO. 701 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1971-72, AS AMENDED.

2. Third reading of Ordinance No. 701, Annual Budget Ordinance, as amended.

Said Ordinance No. 701 was unanimously passed on its third and final reading.

A complete copy of the Ordinance will be found in Ordinance Book 5, Page 178.

ORDINANCE NO. 704 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1971-72, AS AMENDED

3. Third reading of Ordinance No. 704, Utilities Budget, as amended.

Said Ordinance No. 704 was unanimously passed on its third and final reading.

A complete copy of the Ordinance will be found in Ordinance Book 5, Page 180

ORDINANCE NO. 705 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 9, 11, 15 and 17 BLAYLOCK AVENUE, 84 BOYD STREET, 61 BUFFALO STREET, 18 CLUB STREET, 185 FAYETTEVILLE STREET, 91 GAY STREET, 2, 4, 6, 7, 8, 9, 10 and 11 SHORT GUDGER STREET, 51 and 55 GUDGER STREET, 1331 HAYWOOD ROAD, 7 and 9 JANE STREET, 169 PARK AVENUE, 59 and 63 PACK SQUARE, 247 PATTON AVENUE, 287 PEARSON DRIVE, 76 RALPH STREET, 42 and 44 VELVET STREET, 119 WANOCA STREET, 26 and 139 WEAVER STREET, and 35 WHITE AVENUE.

4. Third reading of Ordinance No. 705, directing Housing Officer to demolish certain houses.

Mr. Max Polansky spoke in regard to 247 Patton Avenue. He stated that the Building Inspector and Fire Department had agreed to burn this building with his consent but had failed to do so. It was his feeling that the City should demolish the building without cost. It was explained to him by the Building Inspector and the City Manager that the practice of demolition by burning had been discontinued because of the smoke abatement restrictions.

At this time it was revealed that even though 247 Patton Avenue was listed in the title of the ordinance it was not referred to in the full contents.

status of our Civic Center Project. Since the Supreme Court decision this spring there have been several problems encountered - the relocation of certain water, gas and electric lines, and the relocation of Hiawassee Street. The fact that the City had to re-let the bids for the mechanical contract for heating, air conditioning, plumbing and electrical contracts. Also, there have been discussions and negotiations with Ranger Construction Company relative to various claims which Ranger has filed with the City, in which Ranger has taken the position that certain costs which they have incurred by reason of delays in the project during the litigation and also since that time, were the responsibility of the city. Some time ago the officials of Ranger Construction Company submitted to the City a claim, which was submitted to the architect, and who forwarded it to the City for their review. The various documented claims totaled $292,796.77. We have had a number of dicussions and meetings with the officials of Ranger Construction Company. I think everyone involved has been interested in seeing the project continue and we have been working as best we could to resolve this problem. As a result, negotiations and decisions arrived at yesterday in a meeting with Ranger Construction Company, officials of the City, including myself and the City Manager, a settlement of this matter has been made. The settlement has been agreed to and executed by Ranger and is now before the City Council today for its approval. If it is approved I will sign contracts with modifications and a release, which will settle the matter and which will permit construction to recommence. Also, if Council approves this action we will this afternoon execute the contracts with Moser Plumbing Company and M. B. Haynes Electric Company for the heating, air conditioning, plumbing and electrical work. The terms of this settlement, which will be made fully public and of which the press has already been furnished copies, was basically that the City of Asheville will make a payment to Ranger Construction Company in the amount of $205,000. $60,000 of this will be paid in cash immediately and the remaining balance of $145,000 will be paid over a 15 month period in equal payments beginning September 15, 1971. The officials of the City who negotiated this settlement have had extensive conferences with the architect for the project and with the City Center Building Committee, of which Mr. Paul Goodman is the chairman. Both of these groups have recommended that this settlement be entered into. In order to make this settlement possible, it has been necessary to delete certain items which were not in the contract entered into in the spring of 1970. A substantial number of these deletions have been made from the contract with Ranger Construction Company itself, the general contractor. These deletions total some $243,320. We have also made deletions in the contracts which were previously submitted by Moser and M. B. Haynes.

The City Manager then read the resolution and upon motion of Vice Mayor Marshall, seconded by Councilman Colton, it was unanimously adopted.

Councilman Ochsenreiter stated that he would like the record to show the Council's appreciation to Mr. Paul Goodman and members of the Civic Center Advisory Committee, as well as the City Manager and other City Officials, for their fine efforts in bringing about this final settlement with Ranger Construction Company. He felt that through their efforts Asheville would realize this much needed Civic Center facility.

JUANITA JONES

Mrs. Juanita Jones spoke to the Council and requested that the old Burton Street School be renovated and converted into a rest home for the elderly.

7. CONSIDERATION OF A REQUEST FOR REZONING FROM RA-6 TO RAM PROPERTY OF FIRST CONGREGATIONAL CHURCH BETWEEN EDGEWOOD ROAD AND WESTALL AVENUE

This petition was referred to the Planning and Zoning Commission for study and recommendation.

CONSIDERATION OF A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY AGREEMENT WITH THE NORTH CAROLINA HIGHWAY COMMISSION ON THE CROSSTOWN EXPRESSWAY AT FLINT STREET AND HIAWASSEE STREET

8. Resolution No. 71-101 being RESOLUTION AUTHORIZING EXECUTION OF RIGHT-OF-WAY AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION was, upon motion by Councilman Colton, seconded by Councilman Ochsenreiter, unanimously adopted.

DISCUSSION OF THE RECREATION ADVISORY BOARD RECOMMENDATION THAT CITY COUNCIL EXPLORE WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION THE POSSIBILITY OF ANOTHER EXIT AT RECREATION PARK, SINCE GASHES CREEK ROAD IS CLOSED BY THE CONSTRUCTION OF I-40.

9. The City Manager read the recommendation from the Recreation Advisory Board in which it was explained that there are some 22 homes and 2 trailers that have been denied access to U. S. Highway #74 by the construction of I-40. These residents will now be required to travel the Recreation Park roads to Highway #81. This is a very inconvenient and circuitous route which is at times congested due to picnics and other park activity. The board recommended that an effort be made to assist the residents in this area.

Upon motion by Councilman Ochsenreiter, seconded by Councilman Hoyle, it was moved that the Council endorse the Recreation Board's recommendation. This motion carried unanimously.

Mayor Wood then instructed the City Clerk to write the North Carolina State Highway Commission requesting a study and possible relief for the residents in this area.

CONSIDERATION OF A RESOLUTION SUSPENDING PARKING METER ENFORCEMENT AS COURTESY DAY IN THE CITY OF ASHEVILLE

Resolution No. 71-102 being "RESOLUTION DESIGNATING THE 7th DAY OF SEPTEMBER, 1971 AS COURTESY DAY IN THE CITY OF ASHEVILLE," was upon motion of Councilman Hoyle, seconded by Vice Mayor Marshall, unanimously adopted.

In other business to come before the Council the City Manager advised the Mayor that he had a resolution to present to Council.

RESOLUTION NO. 71-103, BEING "RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE A MODIFICATION, CHANGE ORDER AND AMENDMENT TO BUILDING CONTRACT WITH RANGER CONSTRUCTION COMPANY, AND AGREEMENT FOR PAYMENT AND CHANGE ORDER BY STIPULATION.

Before asking the City Manager to read the resolution Mayor Wood made the following statement:

Ladies and gentlemen of the public and the press, for several months there has been a great deal of interest on the part of the public as to the

Regular Meeting

Thursday, July 29, 1971 -3:00 o'clock P.M.

Present: Mayor Richard A. Wood, Jr., presiding; Councilman Eugene C. Ochsenreiter, Henry E. Colton, Ralph D. Morris, Jr., Calvin W. Marshall, J. W. Hoyle, City Manager Phin Horton III, Corporation Counsel Robert J. Robinson and City Clerk William F. Wolcott, Jr.

Absent: Ruben Dailey - Due to illness.

JAMES N. GOLDING - RESIGNATION AS CORPORATION COUNSEL

Mayor Wood announced the resignation of James N. Golding as Corporation Counsel.

RESOLUTION APPOINTING ROBERT J. ROBINSON, CORPORATION COUNSEL

Resolution No. 71-104 being "Resolution Appointing Corporation Counsel;" on the motion of Councilman Ochsenreiter, seconded by Councilman Colton, it was unanimously adopted that Robert J. Robinson of 16 N. Kensington Road, be appointed to serve as Corporation Counsel. Mayor Wood administered the oath of office.

1. Approval of the minutes of July 22, 1971.

Upon motion of Councilman Hoyle, seconded by Vice Mayor Marshall, the minutes were approved as submitted.

REZONING PETITION FOR PROPERTY, F. D. ROBERSON

2. The City Manager presented a petition from F. D. Roberson, for the rezoning of a lot at 679½ Merrimon Avenue, from RA-6 to Neighborhood Trading.

This petition was referred to the Planning and Zoning Commission for study and recommendation.

ASHEVILLE AREA CHAMBER OF COMMERCE PRESENTATION ON "ALL ASHEVILLE LIVING"

3. Mr. James Daniels, Chairman of the Chamber of Commerce Accelerating Asheville Committee, presented to Council the new theme for this committee. He stated that the main purpose of the program was to fight the negative attitudes that he felt was prevalent throughout the area. He displayed the new triangle symbol that has been adopted for the campaign. He asked that this symbol be substituted for the All American symbol used for the past couple of years. He further asked for the Councils' cooperation and assistance in the Chambers efforts to accelerate Asheville.

Upon motion by Councilman Morris, seconded by Councilman Hoyle it was moved that Council grant the Chamber of Commerce's request to support them in promoting the "All Asheville Living" theme.

This motion carried unanimously.

4. Other business:

CIVIC CENTER CHANGE ORDERS

Mayor Wood reported to Council that he had been advised by the architects for the Civic Center that, if certain items that were deleted from the contract are to be reinserted, it is imperative that the change orders be executed at this time.

She also requested that Bryant Street in West Asheville be cleaned up.

Mayor Wood advised her that the appropriate officials would be instructed to look into both requests.

JAMES GOLDING - CORPORATION COUNSEL

Mayor Wood recognized Mr. Golding who spoke briefly on the new state law regulating liquor sales and consumption. He stated that he had just received a copy of the new law and was not prepared to discuss it in detail. He noted that there were some conflicts between the new law and present City Ordinances. He said he would be prepared to report to the Council next week.

Adjournment

Richard D. Wood, Jr.
Mayor

William F. Holcatter
City Clerk

Thursday, August 5, 1971 -3:00 o'clock P. M.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., presiding; Councilman Eugene C. Ochsenreiter, Henry E. Colton, Ralph D. Morris, Jr., Calvin W. Marshall, J. W. Hoyle, City Manager Phin. Horton III, Corporation Counsel Robert J. Robinson and City Clerk William F. Wolcott, Jr.

Absent: Ruben Dailey

1. Approval of minutes of July 29, 1971.

Upon motion of Vice Mayor Marshall, seconded by Councilman Hoyle, the minutes were approved as submitted.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A COOPERATION AGREEMENT WITH THE BUNCOMBE COUNTY HEALTH DEPARTMENT FOR THE OPERATION OF THE COMPREHENSIVE FAMILY PLANNING PROJECT OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM

2. Resolution No. 71-106 being "Resolution authorizing the Mayor to execute a Cooperation Agreement with the Buncombe County Health Department for the operation of the Comprehensive Family Planning Project of the Comprehensive City Demonstration Program", was upon motion of Vice Mayor Marshall, seconded by Councilman Ochsenreiter, unanimously adopted.

RESOLUTION AMENDING THE PILOT PHYSICAL PROJECT (VALLEY STREET) OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM

3. Resolution No. 71-107 being "Resolution amending the Pilot Physical Project (Valley Street)of the Comprehensive City Demonstration Program," was upon motion of Councilman Ochsenreiter,seconded by Councilman Colton, unanimously adopted.

RESOLUTION AUTHORIZING EXPENDITURE OF SUPPLEMENTAL FUNDS FOR THE POSITION OF MUNICIPAL COORDINATOR UNDER THE CITY MANAGER

4. Resolution No. 71-108 being "Resolution authorizing Expenditure of Supplemental Funds for the position of Municipal Coordinator under the City Manager" was upon motion of Councilman Morris, seconded by Councilman Colton, unanimously adopted.

RESOLUTION APPROVING AND PROVIDING FOR EXECUTION OF PROPOSED CONTRACT FOR COMMUNITY RENEWAL PROGRAM GRANT NO. N. C. R.-137 (CR) (G) BETWEEN THE CITY OF ASHEVILLE, NORTH CAROLINA AND THE UNITED STATES OF AMERICA PERTAINING TO THE PREPARATION OF COMMUNITY RENEWAL PROGRAM NO. N. C. R.-137 (CRP).

5. Resolution No. 71-109 being "Resolution approving and providing for execution of proposed Contract for Community Renewal Program Grant No. N. C. R.-137 (CR) (G) between the City of Asheville, North Carolina and the United States of America pertaining to the preparation of Community Renewal Program No. N.C.R.-137(CRP)", was upon motion of Vice Mayor Marshall, seconded by Councilman Hoyle, unanimously adopted.

RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO A THIRD PARTY CONTRACT WITH THE METROPOLITAN PLANNING BOARD FOR THE OPERATION OF THE COMMUNITY RENEWAL PROGRAM AND COMPREHENSIVE DATA PROGRAM OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM, AS AMENDED.

6. Resolution No. 71-110 being "Resolution Authorizing the Mayor of The City of Asheville to enter into a third party contract with the Metropolitan Planning Board for the operation of the Community Renewal Program and Comprehensive Data Program of the Comprehensive City Demonstration Program, As amended.

He then called on Mr. John Cort, of Baber and Wood, architects, who itemized the change orders for Ranger Construction Company which amounted to $179,354.50--changes in the Moser Plumbing Company contract totaled $4,410.00.

Upon motion by Vice Mayor Marshall, seconded by Councilman Colton, it was moved that the Mayor be authorized to execute the change orders on the part of the City.

This motion carried unanimously.

RESOLUTION NO. 71-105 BEING "RESOLUTION APPOINTING MEMBERS TO THE LIBRARY BOARD"

The terms of Mrs. Charles M. Frank and Mr. Walter R. McGuire as members of the Asheville Library Board expired, and due to the resignation of Miss Mary Frances Long a vacancy also existed on this Board.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, it was moved, that Mrs. Charles M. Frank and Mr. Walter R. McGuire each be reappointed to the Asheville Library Board for a term of four (4) years. That Mrs. J. W. Snow be appointed to the Library Board to fill the unexpired term of Miss Long, which term expires July 31, 1973.

This resolution was unanimously passed.

JOINT APPOINTMENT - OF BILL B. HORTON TO BOARD OF TAX SUPERVISION

Mayor Wood informed the Council that in accordance with new state legislation now in effect, he and Mr. Gordon Greenwood, Chairman of the Buncombe County Commissioners, were jointly announcing the appointment of Mr. Bill B. Horton of West Asheville, as a third member of the Buncombe County Board of Tax Supervision. Mr. Ed McElrath, who had been a member will step down and become Tax Supervisor and Clerk for the Board.

CITY MANAGER'S APPOINTMENT OF KEN MICHALOVE AS MUNICIPAL COORDINATOR

City Manager, Phin. Horton, announced to the Council the appointment of Ken Michalove as Municipal Coordinator. He stated that his duties would consist of working for coordination and cooperation between agencies at the city, county, state and national levels. He said that he would work to eliminate parallelism and duplication in programs of various agencies, concentrating his efforts on serving the best interest of the public.

Adjournment

Richard A. Wood, Jr.
MAYOR

Frances F. Holcomb
CITY CLERK

Regular Meeting

Present: Mayor Richard A. Wood, Jr., presiding; Councilman Eugene C. Oehsenreiter, Henry E. Colton, Ralph D. Morris, Jr., Calvin W. Marshall, J. W. Hoyle, City Manager Phin. Horton III, Corporation Counsel Robert J. Robinson and City Clerk William F. Wolcott, Jr.

Absent: Ruben Dailey

1. Approval of minutes of August 5, 1971.

Upon motion of Vice Mayor Marshall, seconded by Councilman Hoyle, the minutes were approved as submitted.

ORDINANCE NO. [illegible] - AN ORDINANCE AMENDING ORDINANCE [illegible], KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED.

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2. Public hearing to consider an ordinance rezoning property on Biltmore Avenue from RA-6 Residential District and Commercial District to Institutional.

The Mayor declared the hearing open at 3:03.

The City Manager read the affidavit of publication and Mr. Kmecza, Planning Director read the recommendation of the Planning and Zoning Commission.

There was no objection and the Mayor closed the public hearing at 3:10.

Ordinance No. 706, being "AN ORDINANCE AMENDING ORDINANCE #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE",AS AMENDED, was, upon motion of Councilman Morris, seconded by Councilman Colton, unanimously passed on its first reading.

ORDINANCE NO. 706 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED.

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3. Public hearing to consider an ordinance rezoning property on Leicester Highway from Patton Avenue to the City Limits from Roadside Business District to Commercial District.

The Mayor declared the hearing open at 3:12.

The City Manager read the affidavit of publication and Mr. Kmecza, Planning Director read the favorable recommendation of the Planning and Zoning Commission.

Mr. John Neilson - Asheville Associates, a general contractor firm, spoke in behalf of Rainbow Bakery and favored passage of this ordinance.

Mr. Paul Kelley, Manager of Rainbow Bakery spoke in support of the rezoning.

Mr. Bill Clendenin, Clendenin Realty Company spoke in favor of the rezoning and requested that the Council suspend the rules and have the three readings at this time.

With reference to this resolution Mr. Kemecza, Director of Planning, stated that the specified thirty (30) days for submitting a work program and employing a director would be difficult to accomplish. He asked that this time be extended.

Upon motion by Councilman Morris, seconded by Councilman Colton, it was moved that the resolution be amended by deleting the required thirty (30) days from Attachment "A" Part 3, Paragraph D and G, and substituting in lieu thereof sixty (60) days. The amendment to the resolution carried unanimously.

It was then moved by Councilman Colton, seconded by Councilman Ochsenreiter that the resolution as amended be adopted. This motion carried unanimously.

PAVING PETITION FOR GREENLEAF CIRCLE

7. Consideration was given to a petition from the property owners of Greenleaf Circle who requested that the City complete the paving of said street for about 400 feet. The petitioners stated that mud and stone from the unpaved portion detracted from the appearance of the rest of the street. The City Manager pointed out that the majority of the petitioners did not front on the unpaved portion and would therefore not be financially affected by the new paving.

The Mayor requested that the City Clerk respond to the petitioners and inform them that if 50% per cent of the property owners, representing a majority of the property abutting on the unpaved portion of the street, would request the paving, the city would make every effort to see that the paving was completed.

JESSE JAYNE APPOINTMENT

8. In other business the Council heard a report from the City Manager on his appointment of Jesse Jayne as Special Project Superintendent effective July 29, 1971.

FANNIE McCOY

Miss Fannie McCoy spoke in opposition to the chemical treatment of the Asheville Water Supply.

MRS. LILIAN WILSON

Mrs. Lilian Wilson addressed the Council regarding the race track on Amboy Road and poor condition of the pavement on Short Michigan Avenue. She also issued a complaint against the Police Department for not properly handling a call to remove three drunken women from her yard.

MRS. FLOYD ELWOOD

Mrs. Floyd Elwood of 304 Michigan Avenue also spoke regarding the race track noise and the poor condition of Michigan Avenue. She further stated that the new traffic layout on Haywood Road was not acceptable. Mayor Wood requested that the City Manager instruct the Traffic Engineer to consult with the State Highway Commission for a possible solution.

Adjournment.

Richard D Wood, Jr
MAYOR

William E. Metcalf
CITY CLERK

The City Manager read the favorable recommendation of the Planning and Zoning Commission.

Upon motion of Councilman Ochsenreiter, seconded by Vice Mayor Marshall, it was moved that a public hearing be advertised at the petitioners expense. This motion carried unanimously.

ZONING ORDINANCE - RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION REGARDING PROPERTY OFF MERRIMON AVENUE BETWEEN WESTALL DRIVE AND EDGEWOOD ROAD.

7. Consideration of a recommendation from the Planning and Zoning Commission regarding the denial of the petition to rezone property off Merrimon Avenue between Westall Drive and Edgewood Road from RA-6 Residential to RA-M Residential District.

The City Manager read the unfavorable recommendation of the Planning and Zoning Commission.

No one appeared regarding the petition, and no action was taken by the Council.

Petition denied.

ZONING ORDINANCE - RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION REGARDING PROPERTY OFF LEICESTER HIGHWAY ON OAK HILL DRIVE.

8. Consideration of a recommendation from the Planning and Zoning Commission to deny the petition to rezone property off Leicester Highway on Oak Hill Drive from RA-6 Residential District to Commercial District.

The City Manager read the unfavorable recommendation of the Planning and Zoning Commission.

No one appeared regarding the petition, and no action was taken by the Council.

Petition denied.

ZONING ORDINANCE - RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION REGARDING REZONING OF PROPERTY AT THE CORNER OF DEAVERVIEW ROAD AND GREENHILL AVENUE.

9. Consideration of a recommendation from the Planning and Zoning Commission regarding rezoning of property at the corner of Deaverview Road and Greenhill Avenue from RA-6 Residential District to Neighborhood Trading Area.

The City Manager read the favorable recommendation of the Planning and Zoning Commission.

Upon motion of Vice Mayor Marshall, seconded by Councilman Hoyle, it was moved that a public hearing be advertised at the petitioners expense. This motion carried unanimously.

REQUEST FOR SIGN PERMITS FOR A PROPOSED SERVICE STATION AT 45 MERRIMON AVENUE.

10. Consideration of a request for sign permits for a proposed service station at 45 Merrimon Avenue.

Mr. Kmecza read the recommendation of the Planning and Zoning Commission.

Mr. John T. Belk with the Humble Oil Company spoke in favor of all signs being approved.

Mr. Malcombe Gamble, a resident in the vicinity of the rezoning area, spoke in opposition.

Mr. R. E. Edmonds, also a resident in the area, spoke in opposition.

Mr. Z. R. Shepard spoke in favor of the passage of the ordinance and stated that the present land use is now Commercial.

Mayor Wood asked Mr. Kmecza if any of the businesses now there were non-conforming. Mr. Kmecza informed Mayor Wood that they were.

Mayor Wood closed the hearing at 3:26 .

Ordinance No. 707, being "AN ORDINANCE AMENDING ORDINANCE #322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED, was, upon motion of Councilman Colton, seconded by Vice Mayor Marshall, unanimously passed on its first reading.

Councilman Morris moved that arrangements be made to schedule the second and third readings at the next meeting, with the effective date being two (2) days after the final reading. This motion was seconded by Vice Mayor Marshall and carried unanimously.

ZONING ORDINANCE- RECOMMENDATION OF PLANNING AND ZONING COMMISSION FOR REZONING PROPERTY ON DRUID DRIVE FROM MITCHELL AVENUE TO PATTON AVENUE, ALSO MACE AVENUE

4. Consideration of a recommendation from the Planning and Zoning Commission regarding property on Druid Drive from Mitchell Avenue to Patton Avenue, also Mace Avenue from RA-6 Residential District to Neighborhood Trading Area.

The City Manager read the favorable recommendation of the Planning and Zoning Commission.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, it was moved that a public hearing be advertised at Mr. R. L. Coleman's expense, the petitioner. This motion carried unanimously.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION FOR REZONING PROPERTY ON DRUID DRIVE JUST SOUTH OF PATTON AVENUE.

5. Consideration of a recommendation from the Planning and Zoning Commission regarding property on Druid Drive just south of Patton Avenue from RA-6 Residential District to Neighborhood Trading Area.

The City Manager read the favorable recommendation of the Planning and Zoning Commission.

Upon motion of Vice Mayor Marshall, seconded by Councilman Hoyle, it was moved that a public hearing be advertised at Mr. R. L. Coleman's expense, the petitioner. This motion carried unanimously.

ZONING ORDINANCE - RECOMMENDATION OF PLANNING AND ZONING COMMISSION FOR REZONING PROPERTY ON LONG STREET OFF MERRIMON AVENUE.

6. Consideration of a recommendation from the Planning and Zoning Commission regarding property on Long Street off Merrimon Avenue from RA-6 Residential District to Neighborhood Trading Area.

Thursday, August 19, 1971 - 3:00 o'clock P. M.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., presiding; Councilman Eugene C. Ochsenreiter, Henry P. Colton, Ralph D. Norris, Jr., Calvin W. Marshall, I. W. Boyle, Ruben J. Dailey, Corporation Counsel Robert J. Robinson, City Clerk William F. Wolcott, Jr.

Absent: City Manager, Phin. Horton III

1. Approval of minutes of August 12, 1971.

Upon motion of Councilman Boyle, seconded by Mayor Marshall, the minutes were approved as published.

ORDINANCE NO. 706 - AN ORDINANCE AMENDING SECTION 132, KNOWN AS THE ORDINANCE ENTITLED "ZONING OF THE CITY OF ASHEVILLE", IN PART.

2. Second reading of Ordinance No. 706, rezoning property on Tunnel Road.

Said Ordinance No. 706 was unanimously passed on its second reading.

ORDINANCE NO. 707 - AN ORDINANCE AMENDING THE ZONING OF THE CITY OF ASHEVILLE, IN PART.

3. Second and third reading of Ordinance No. 707, rezoning property on Interstate Highway.

Mr. Larry McDevitt spoke in support of the ordinance in behalf of T. P. Shepherd.

Said Ordinance No. 707 was unanimously passed on its second reading.

Councilman Norris moved that the Council suspend the rules and proceed to the third reading. This motion, seconded by Councilman Boyle, was carried unanimously.

Said Ordinance No. 707 was unanimously passed on its third reading.

A complete copy of the Ordinance will be found in Ordinance Book 9, Page 186.

ANNOUNCEMENTS FOR COUNCIL MEMBERS

4. Mayor Wood announced the following assignments for Council members:

Model Cities, Richard A. Wood, Jr. - Asheville Transit Authority, Ralph D. Norris, Jr. - Insurance Committee, Eugene C. Ochsenreiter, Jr. - Building Fund Committee, Henry P. Colton - Planning and Zoning Commission, Ruben J. Dailey - Metropolitan Water District, Calvin W. Marshall, Ralph D. Norris, Jr., and Henry P. Colton - O.E.O., Eugene C. Ochsenreiter, Jr. - Asheville Housing Authority, Eugene C. Ochsenreiter, Jr. - Urban Renewal, Eugene C. Ochsenreiter, Jr. - Asheville Area Chamber of Commerce, I. W. Boyle - Civic Center Advisory Committee, Ruben J. Dailey - Asheville Merchants Association, I. W. Boyle - West Asheville Merchants Association, Calvin W. Marshall

Councilman Morris asked in what direction the large sign would face and was informed that it would probably be a revolving sign.

Councilman Colton spoke in favor of all the signs and moved that all signs be permitted. This motion was seconded by Councilman Hoyle and carried unanimously. Mayor Wood disqualified himself.

RESOLUTION NO. 71-111 BEING "RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH G. L. LESLIE, JR. AND REBECCA LESLIE CONCERNING A WATER MAIN EXTENSION ALONG A 60-FOOT EASEMENT CROSSING LOTS 14-1/4, 14-1/2, 14-3/4, AND 15, LIMESTONE TOWNSHIP, SHEET 31, BUNCOMBE COUNTY TAX MAP."

11. Resolution No. 71-111 being "Resolution Authorizing the Mayor to enter into agreement with G. L. Leslie, Jr. and Rebecca Leslie concerning a water main extension along a 60-foot easement crossing lots 14-1/4, 14-1/2, 14-3/4, and 15, Limestone Township, Sheet 31, Buncombe County Tax Map," was read by the City Manager.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Colton, it was moved that this resolution be adopted. This motion carried unanimously.

REVEREND WESLEY GRANT

Reverend Wesley Grant spoke to Council and thanked Council for rezoning his property and stated that 400 houses have been torn down in the East Riverside Renewal Area and none had been built to replace them. He also spoke in regard to Montford Park, and said the drug problem is increasing and he hoped that something could be done to discourage this.

MISS FANNIE McCOY

Miss Fannie McCoy spoke in opposition to fluoridation and presented [illegible] in regard to this and also presented a paper on Communism.

STATEMENT FROM COUNCILMAN MORRIS

Councilman Morris stated that he would like to see the Council and the public, encourage the youth by attending athletic events and other youth programs.

Leland A. Wood, Jr.
MAYOR

William E. Wallace
CITY CLERK

Thursday, August 26, 1971 - 3:00 o'clock P. M.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., presiding; Councilman Eugene C. Ochsenreiter, Henry E. Colton, Ralph D. Morris, Jr., J. W. Hoyle, Ruben J. Dailey, City Manager Phin. Horton III, Corporation Counsel Robert J. Robinson, City Clerk William F. Wolcott, Jr.

Absent: Councilman Calvin W. Marshall

1. Approval of minutes of August 19, 1971.

Upon motion of Councilman Dailey, seconded by Councilman Hoyle, the minutes were approved as submitted.

ORDINANCE NO. 706 - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED.

2. Third reading of Ordinance No. 706, rezoning property of Dr. C. A. Frazier.

Ordinance No. 706 was unanimously passed on its third and final reading.

A complete copy of the ordinance will be found in Ordinance Book 5 Page 185 .

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A WRITTEN AMENDMENT EXTENDING A THIRD PARTY CONTRACT BETWEEN THE CITY OF ASHEVILLE AND TRIANGLE CONSULTANT ASSOCIATES, INC., FOR THE CITIZEN PARTICIPATION PROJECT OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM

3. Resolution No. 71-112 being "Resolution authorizing the Mayor to execute a written amendment extending a third pary contract between the City of Asheville and Triangle Consultant Associates, Inc., for the Citizen Participation Project of the Comprehensive City Demonstration Program," was upon motion of Councilman Colton, seconded by Councilman Dailey, unanimously adopted.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A WRITTEN AMENDMENT TO THE AFTER-SCHOOL CENTERS PROJECT OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM

4. Resolution No. 71-113 being "Resolution authorizing the Mayor to execute a written amendment to the After-School Centers Project of the Comprehensive City Demonstration Program," was upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, unanimously adopted.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A WRITTEN AMENDMENT TO THE TEACHER AIDE PROJECT OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM

5. Resolution No. 71-114 being "Resolution authorizing the Mayor to execute a written amendment to the Teacher Aide Project of the Comprehensive City Demonstration Program," was upon motion of Councilman Dailey, seconded by Councilman Ochsenreiter, unanimously adopted.

MRS. ROY ROGERS

Mrs. Roy Rogers spoke and asked that the City find some way to build single family homes for the families displaced by the East Riverside Urban Renewal Project.

Councilman Dailey replied to Mrs. Rogers and said that he would like to see more enterprising private industries step into the housing market and build single family dwellings. He said that he understood Mrs. Rogers concern but thought she should be told that the City could not enter this field. It was his opinion that Council should encourage private enterprise in every way possible.

ALEX ANTHONY SINICOLA

Alex Anthony Sinicola, who gave his address as Box 182, Fairview, spoke to Council in regard to a Pee Wee Football League being formed by a group of West Asheville people. He stated that 60 to 75 boys between the ages of 8-14 or more participating in the program. He asked for some assistance from the city. Mayor Wood directed him to consult with Miss Barnett to determine what assistance the Parks and Recreation Department could give him.

Adjournment

Richard R. Wood
MAYOR

Thelma F. Wheatley
CITY CLERK

RESOLUTION ELECTING MEMBERS OF THE PLANNING AND ZONING COMMISSION FOR THE CITY OF ASHEVILLE (Anthony Redmond, J. Bertram King, Roger M. Lyda, James W. Daniels, Joseph L.Brady)

10. Resolution No. 71-117 being "Resolution electing members of the Planning and Zoning Commission for the City of Asheville," was upon motion of Councilman Colton, seconded by Councilman Boyle, unanimously adopted.

Mrs. Roy Rogers spoke and stated that the Planning and Zoning Commission acted on matters pertaining to her neighborhood but that they were not represented.

Warren Jackson spoke and asked if there were any blacks on the Planning and Zoning Commission.

Councilman Dailey responded and stated that he had been unsuccessful in his efforts to obtain a qualified member from the black community.

LETTER OF COMMENDATION - POLICE DEPARTMENT

Mayor Wood read a letter of commendation in support of the Police Department's Summer Camp Program.

STATEMENT FROM MAYOR CONCERNING "POT HOLES" IN STREETS

Mayor Wood in a statement to the public and the news media, made an appeal to the citizens of Asheville to report any "pot holes" in their streets, so that a concentrated effort could be made by the Public Works Department to repair as many as possible before cold weather.

MR. LOGAN DELANEY - MODEL CITIES DIRECTOR

Mr. Logan Delaney, Model Cities Director, reported that the draft of the Model Cities Program for the Second Action Year is being prepared and will be presented to Council next week.

STATEMENT FROM COUNCILMAN DAILEY

Councilman Dailey stated that the Public Safety Budget was increased in order to hire five more policeman. He requested that blacks be given every consideration in making the appointments to these new positions.

Adjournment.

Richard L. Wood Jr.
MAYOR

Wilma F. Metcalf
CITY CLERK

RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO A COOPERATION AGREEMENT WITH THE DEPARTMENT OF PUBLIC WORKS FOR THE OPERATION OF THE STREETS RESURFACING PROJECT OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM

6. Resolution No. 71-115 being "Resolution authorizing the Mayor of the City of Asheville to enter into a cooperation agreement with the Department of Public Works for the operation of the Streets Resurfacing Project of the Comprehensive City Demonstration Program," was upon motion of Councilman Morris, seconded by Councilman Colton, unanimously adopted.

AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THAT TWO STORY DWELLING KNOWN AS 70 AND 70½ GEORGE WASHINGTON CARVER AVENUE

7. Ordinance No. 708,"An Ordinance directing the Housing Officer to demolish that two story dwelling known as 70 and 70½ George Washington Carver Avenue was introduced by Councilman Hoyle, seconded by Councilman Dailey and was unanimously passed on its first reading.

In order to expedite the demolition of this house Councilman Dailey moved to suspend the rules and call for a second and third reading at this time. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Mayor Wood called for the second reading which also passed unanimously.

Mayor Wood then called for the third and final reading and the ordinance was passed unanimously.

Ordinance No. 708 was passed unanimously on its third and final reading.

A complete copy of the ordinance will be found in Ordinance Book 5 Page 187.

AN ORDINANCE REPEALING SECTIONS OF CHAPTER 24, SIGNS OF THE CODE OF ORDINANCES, CITY OF ASHEVILLE, NORTH CAROLINA

8. Ordinance No. 709, "An ordinance repealing sections of Chapter 24, Signs of the Code of Ordinances, City of Asheville, North Carolina" was, upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, unanimously passed on its first reading.

Mr. J. E. Johnson, Building Inspector, reviewed the ordinance and stated that this ordinance would cover all types of signs within the City of Asheville and would coincide with the North Carolina State Building Code.

RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION

9. Resolution No. 71-116 being "Resolution authorizing Mayor to execute right of way encroachment agreement with the North Carolina State Highway Commission," was upon motion of Councilman Dailey, seconded by Councilman Morris, unanimously adopted.

Councilman Hoyle then moved, which motion was seconded by Councilman Dailey, that the award be made to the Asheville Army Store. This motion carried unanimously.

Item #2

	The Army Store	Boyce L. Ford Co.
115 Pair of Hip Boots as per Specifications	$ 3,462.42	$ 2,583.36

The Assistant City Manager read the memorandum from the Purchasing Agent and the Fire Chief recommending the award of contract to the low bidder, Boyce L. Ford Company. He informed the Council that the City Manager concurred.

Councilman Colton moved, seconded by Councilman Ochsenreiter, that the award be made to Boyce L. Ford Company, the low bidder. This motion carried unanimously.

CONSIDERATION OF BIDS RECEIVED AUGUST 31, 1971, FOR STREET RESURFACING IN THE MODEL CITIES AREA

5. The Assistant City Manager advised that after due advertisement bids were received as follows:

	Asheville Paving Company Warren Brothers Company	Midstate Contractors	W.N.C.Paving Company
1971 Street Paving Program- Model Cities Area	$ 178,250.00	$ 195,000.00	$ 185,250.00

and read a memorandum from Mr. Philip C. Cocke, Director of Public Works, recommending that the low bid of Asheville Paving Company and Warren Brothers Company be accepted. Mr. Cocke explained that this bid was approximately $25,000.00 above the estimate, but that this could be reduced by $6,000.00 since Riverside Drive, a street included in the proposal, had already been paved. He further stated that he would request the Model Cities Commission to delete another $19,000.00 from the proposal so the contract would be within the funds available.

The Assistant City Manager advised the Council that the City Manager also recommended that the award be made to the low bidders.

Councilman Morris so moved, which motion was seconded by Councilman Hoyle and was unanimously adopted.

KIRKWOOD- FINAL SUBDIVISON PLAT APPROVED

A letter from Nicholas Kmecza, Executive Director of the Planning and Zoning Commission, was read in which he stated that the Planning and Zoning Commission had reviewed the Kirkwood Subdivision Final Plat and recommended its approval.

Following a discussion Councilman Dailey moved that said plat be approved. This motion was seconded by Councilman Colton and was unanimously adopted.

BILLIARD HALL APPLICATION

The Council received an application from John W. Bell for permission to operate a billiard hall at 697 Haywood Road. Vice Mayor Marshall referred the application to the Police, Fire, Health and Building Inspections Departments, for investigation and recommendation.

Thursday, September 2, 1971 -3:00 o'clock P.M.

Regular Meeting

Present: Vice-Mayor Calvin W. Marshall, presiding; Councilman Eugene C. Ochsenreiter, Henry E. Colton, Ralph D. Morris,Jr., J. W. Hoyle, Ruben J. Dailey, Corporation Counsel Robert J. Robinson, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Richard A. Wood, Jr., City Manager Phin. Horton III.

1. Approval of minutes of August 26, 1971.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, the minutes were approved as submitted.

ORDINANCE NO. 709 - AN ORDINANCE REPEALING SECTIONS OF CHAPTER 24, SIGNS OF THE CODE OF ORDINANCES, CITY OF ASHEVILLE, NORTH CAROLINA

2. A representative of the Lamar Dean Sign Company spoke in favor of the ordinance. He stated that his company has always been subject to the provisions of the North Carolina State Building Code.

Ordinance No. 709 passed unanimously on its second reading.

CONSIDERATION OF BIDS RECEIVED AUGUST 30, 1971, FOR APPROXIMATELY 250 TONS OF ROCK BULK SALT FOR SNOW AND ICE REMOVAL

3. The Assistant City Manager advised that after due advertisement bids were received as follows:

Approximately 250 Tons Rock Bulk Salt	Gordy Salt Company, Inc. $17.03 per Ton Total $ 4,257.50		International Salt Company $15.31 per Ton Total $ 3,827.50
	Diamond Crystal Salt Co. $16.34 per Ton Total $ 4,075.00		Morton Salt Company $15.31 Per Ton Total $ 3,827.50

and reported to the Council that the City Manager recommended that the award be made to the present supplier, International Salt Company.

Councilman Morris so moved and was seconded by Councilman Hoyle. The motion carried unanimously.

CONSIDERATION OF BIDS RECEIVED AUGUST 24, 1971, FOR WORK UNIFORMS (ITEM #1) AND HIP BOOTS (ITEM #2) FOR THE FIRE DEPARTMENT

4. The Assistant City Manager advised that after due advertisement bids were received as follows:

Item # 1	Lion Uniform, Inc.	The Hub Uniform Co.	The Asheville Army Store
360 Shirts and 360 Trousers as per specifications	$ 4,820.40	$ 4,375.44	$ 4,567.68

The Assistant City Manager read a memorandum from the Purchasing Agent and the Fire Chief recommending that the award be made to the Asheville Army Store even though they were $144.00, without the tax, higher than the low bidder. They explained that the [illegible] in delivery and alterations warranted the difference in price. This was also the City Managers recommendation.

The Mayor opened the Public Hearing at 4:02 P. M.

The City Manager read the affidavit of publication and the recommendations of the Planning and Zoning Commission.

Mrs. Katherine Hamlin of 54 Druid Drive spoke in favor of the ordinance. She stated this ordinance would correct a previous zoning error made by the City with reference to a trucking terminal now located in the area.

There being no further comments the Mayor closed the hearing at 4:08 P. M.

The City Manager then read the ordinance.

Ordinance No. 711, being "AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE",AS AMENDED, was, upon motion of Councilman Dailey, seconded by Vice Mayor Marshall, unanimously passed on its first reading.

ORDINANCE NO. 712 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED.

Public hearing to consider the rezoning of a piece of property in the Long Street area off Merrimon Avenue; to be rezoned from RA-6 Residential District to Neighborhood Trading Area.

The Mayor opened the Public Hearing at 4:11 P. M.

The City Manager read the affidavit of publication and the recommendation of the Planning and Zoning Commission.

Mr. Roberson, owner of the property spoke in favor of the ordinance.

There being no objections the Mayor closed the hearing at 4:13 P. M.

The City Manager then read the ordinance.

Ordinance No. 712, being "AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED, was, upon motion of Councilman Colton, seconded by Councilman Hoyle, unanimously adopted on its first reading.

Adjournment

Richard A. Wood Jr.
MAYOR

William D. McEntire
CITY CLERK

PROCLAMATION- CONSTITUTION WEEK

Vice-Mayor Marshall read a proclamation designating the week of September 17-23 as Constitution Week in the City of Asheville.

DEMOLITION OF THE MAX POLANSKY BUILDING AT 247 PATTON AVENUE

Councilman Dailey addressed the Council with reference to the demolition of the Max Polansky building at 247 Patton Avenue. He said he felt the City had an obligation to the owner since they promised to burn it and then found it was not feasible. Due to the change of circumstances he moved that the building be demolished in some other manner without charge to the owner. This motion was seconded by Councilman Hoyle and was unanimously adopted.

FANNIE B. McCOY

Fannie B. McCoy spoke to the Council in regard to the poisons being administered into the water supply.

COUNCIL RECESS - 15 MINUTES

At this time Councilman Morris moved that the Council take a 15 minute recess. His motion was seconded by Councilman Hoyle and was unanimously adopted.

During the recess Mayor Wood and City Manager Horton returned from a previous meeting and joined the Council meeting. Mayor Wood took over the gavel from Vice Mayor Marshall and the meeting proceeded.

ORDINANCE NO 710 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED.

Public hearing to consider an ordinance rezoning a piece of property at the corner of Deaverview Road and Greenhill Avenue; to be rezoned from RA-6 Residential District to Neighborhood Trading Area.

The Mayor opened the Public Hearing at 3:58 P. M.

The City Manager read the affidavit of publication and the recommendation of the Planning and Zoning Commission.

There was no objections and the Mayor closed the hearing at 4:00 P.M.

The City Manager then read the ordinance.

Ordinance No. 710, being "An Ordinance amending Ordinance No. 322, Known as "An Ordinance providing for the Zoning of the City of Asheville", as amended, was, upon motion of Vice Mayor Marshall, seconded by Councilman Ochsenreiter, unanimously passed on its first reading.

ORDINANCE NO. 711 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED.

Public hearing to consider the rezoning of two tracts of land in the Dauid Drive, Patton Avenue and Mace Avenue area; to be rezoned from RA-6 Residential District to Neighborhood Trading Area.

RESOLUTION NO. 71-118 - RESOLUTION APPROVING BENEFITS TO THE CITY OF ASHEVILLE WHICH WILL ARISE FROM THE PROPOSAL OF THE TENNESSEE VALLEY AUTHORITY FOR THE UPPER FRENCH BROAD RIVER BASIN

7. Miss Fannie B. McCoy spoke in opposition to the resolution.

Mr. Ward Hendon, attorney, spoke in behalf of the people of the Mills River Valley, as well as a resident of Asheville, and was in opposition to the resolution. He asked the Council to with hold their decision until they could receive further information from the final draft of the TVA report. He asked the Council how they could endorse the all or nothing plan until they knew the whole plan. He stated that there would be certain benefits to Asheville but that the disadvantages would be borne by both Asheville and the outside communities.

Mayor Wood asked Mr. Hendon if the Council would have any impact on the report if they waited until the report was completed.

Councilman Colton stated that TVA would be interested in the opinion of the City Council just as they are interested in the opinion of those that oppose the project. He felt that Council had an obligation to express an opinion.

Councilman Colton, Hoyle, Morris and Mayor Wood all expressed their interest in the potential of the TVA plan in helping Asheville meet its future water supply needs.

Mrs. Paul Rockwall also spoke in opposition to the plan.

Upon motion of Vice Mayor Marshall, seconded by Councilman Dailey the resolution was unanimously adopted.

Mayor Wood instructed the City Clerk to immediately transmit a copy of the resolution to the TVA Hearing Officer in Knoxville, Tennessee.

A complete copy of the Resolution will be found in Resolution Book No. 6 Page 107.

REPORT BY JAMES V. BURGESS ON POLICY AND PROCEDURE PLAN

8. Mayor Wood called on the City Manager to introduce Mr. James V. Burgess, President of Public Research and Management, Inc., whose firm was employed by the City to implement a "Policies and Procedure Plan" for the Model Cities Agency. Mr. Burgess outlined the procedures followed in preparing a manual or working documents for the Model Cities Agency.

REZONING REQUEST ON VICTORIA ROAD
ORDER OF CHRISTIAN EDUCATION, INC.

9. The City Manager presented a rezoning request from the Order of Christian Education, Inc., to rezone certain lots on Victoria Road from RA-5 and RA-6 Residential Districts to Institutional.

Mayor Wood instructed the City Clerk to transmit the request to the Planning and Zoning Commission for study and recommendation.

Thursday, September 9, 1971 - 3:00 o'clock P. M.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., presiding; Councilmen Eugene C. Ochsenreiter, Henry E. Colton, Ralph D. Morris, Jr., J. W. Hoyle, Ruben J. Dailey, City Manager Phin. Horton III, Corporation Counsel Robert J. Robinson, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of September 2, 1971.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, the minutes of September 2, 1971 were approved as submitted.

AFS STUDENTS INTRODUCED

2. Deviating from the agenda, Mayor Wood recognized Councilman Colton, who introduced seven American Field Service exchange students from Sweden. Councilman Colton pointed out that these students were just completing their year as exchange students in the U. S. Each was presented a small gift and had their pictures taken with the Council. Mayor Wood added his welcome.

ORDINANCE NO. 709 - AN ORDINANCE REPEALING SECTIONS OF CHAPTER 24, SIGNS OF THE CODE OF ORDINANCES, CITY OF ASHEVILLE, NORTH CAROLINA.

3. Ordinance No. 709 being "An Ordinance repealing sections of Chapter 24, Signs of the Code of Ordinances, City of Asheville, North Carolina" was passed on its third and final reading with Vice Mayor Marshall and Councilman Hoyle voting "no".

A complete copy of the ordinance will be found in Ordinance Book 5 Page 188.

ORDINANCE NO. 710 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

4. Ordinance No. 710, an Ordinance rezoning a piece of property at the corner of Deaverview Road and Greenhill Avenue from RA-6 Residential District to Neighborhood Trading Area, passed unanimously on its second reading.

ORDINANCE NO. 711 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

5. Ordinance No. 711, an Ordinance rezoning two tracts of land in the Druid Drive, Patton Avenue and Mace Avenue area from RA-6 Residential District to Neighborhood Trading Area, passed unanimously on its second reading.

ORDINANCE NO. 712- AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

6. Ordinance No. 712, an Ordinance rezoning a piece of property in the Long Street area off Merrimon Avenue from RA-6 Residential District to Neighborhood Trading Area, passed unanimously on its second reading.

LUKE ATKINSON

Luke Atkinson spoke to Council on some observations he thought they should know about. First he told how disturbed he was at hearing a cashier in one of the local dairy bars low rate Asheville's water in order to promote the sale of bottled water. He then called for traffic engineers to re-examine the traffic markings on the streets in West Asheville. He also said he would like to see Council encourage merchants to stick to the prices in effect at the time of the 90 day price freeze.

LOUIS GRANT

Louis Grant spoke to Council in regard to the unconvenience of the parking meters at the airport.

COUNCILMAN DAILEY - STATEMENT ABOUT TRIP TO WINSTON-SALEM REGARDING HOUSING

Councilman Dailey reported to the Council that on Wednesday a delegation went to Winston Salem to tour their housing construction. He said he was very stimulated to see that this city is emphasizing the production of single family homes. He said he was happy to see that the Asheville Housing Authority's plan to try and substitute individual houses for 169 authorized units of conventional public housing.

Councilman Colton said he was equally pleased with the tour and that he felt systematic Housing Code Enforcement was the key to providing decent housing.

DRAFT OF SECOND ACTION YEAR MODEL CITIES PROGRAM SUBMITTED TO COUNCIL

Logan Delany, Executive Director of the Model Cities Agency, presented to Council the first draft of the Second Action Year Program. He asked that Council review the program and submit any comments they might have.

FILM - MODEL CITIES ACROSS THE UNITED STATES

The Council viewed a film presented by the Model Cities staff on similar programs in other cities throughout the United States.

Adjournment.

Richard A. Wood, Jr.
MAYOR.

Miriam L. McCarty
CITY CLERK

BIDS FOR DEMOLITION AND REMOVAL OF THIRTEEN DWELLING HOUSES IN THE MODEL CITIES AREA

10. The City Manager advised the Council that after due advertisement for bids had been received on August 30, 1971 for the demolition and removal of thirteen dwellings in the Model Cities Area; and that the bids were as follows:

Items 1-13
Dwelling houses
listed by street
locations

1. 91 Gay Street
2. 2 Gudger Alley
3. 4 Gudger Alley
4. 6 Gudger Alley
5. 7 Gudger Alley
6. 8 Gudger Alley
7. 9 Gudger Alley
8. 10 Gudger Alley
9. 11 Gudger Alley
10. 51 Gudger Street
11. 55 Gudger Street
12. 15 Mountain Street
13. 139 Weaver Street

Perry M. Alexander Construction Co.
Lump sum bid of $5,850.00 plus material

Constance & Burnette Grading Company, Inc.
Lump sum bid of $ 3,800.00 plus material

Parks Banks Engineering
Lump sum bid of $4,600.00 plus material

Buffalo Flagstone Company

1.	91 Gay Street	$ 447.00
2.	2 Gudger Alley	399.00
3.	4 Gudger Alley	197.00
4.	6 Gudger Alley	497.00
5.	7 Gudger Alley	489.00
6.	8 Gudger Alley	489.00
7.	9 Gudger Alley	187.00
8.	10 Gudger Alley	99.00
9.	11 Gudger Alley	197.00
10.	51 Gudger Street	597.00
11.	55 Gudger Street	587.00
12.	15 Mountain Street	398.00
13.	139 Weaver Street	197.00
		$4,780.00

plus material

He then read the recommendation of Mitchell King, the Housing Officer for the City of Asheville, that the contract be awarded to Constance and Burnette, the low bidder.

Since there was no completion time stipulated in the request for bids, Councilman Colton moved that the awarding of the contract be postponed for one week until the completion time could be established. This motion was seconded by Councilman Dailey and was unanimously adopted.

ADVERTISEMENT FOR PUBLIC HEARING ON AVON DEVELOPMENT CORPORATION -GROUP DEVELOPMENT PLAN

11. The City Manager read a letter from Nicholas Kmecza, Executive Director of the Planning and Zoning Commission recommending approval of the site plan for a Group Development by Avon Development Corporation.

There being no objection it was moved by Councilman Colton, seconded by Councilman Ochsenreiter that a date for public hearing be advertised in accordance with Section 9 C Group Developments of the Asheville Zoning Ordinance. This motion carried unanimously, and the City Clerk was so instructed.

GLEN SELF - COURTESY PARKING

Glen Self, President of the Asheville Merchants Association, conveyed the associations thanks to Council for making possible free downtown parking during the After Labor Day Sale.

REZONING REQUEST
CHESTER A. COGBURN PROPERTY ON PATTON AVENUE

6. The City Manager read a letter from Max O. Cogburn, Attorney for the owner, requesting that Lot 1, Ward 5, Sheet 24 be rezoned from "Restricted Business" to "Roadside Business". That Lot 1-1/4, Ward 5, Sheet 24 be rezoned from "Neighborhood Trading Area" to "Roadside Business".

Mayor Wood instructed the City Clerk to transmit the request to the Planning and Zoning Commission for study and recommendation.

RESOLUTION AUTHORIZING LEASE OF THE ASHEVILLE CITY AUDITORIUM TO PERSONS, FIRMS OR CORPORATIONS WHO GUARANTEE TO LEASE THE BUILDING 30 OR MORE TIMES DURING THE FISCAL YEAR ENDING JUNE 30, 1972, AT A RATE OF $150.00 PER DATE OR 10% OF GATE RECEIPTS, WHICHEVER IS GREATER

7. The City Manager read Resolution No. 71-119 a Resolution authorizing lease of the Asheville City Auditorium to persons, firms or corporations who guarantee to lease the building 30 or more times during the fiscal year ending June 30, 1972, at a rate of $150.00 per date or 10% of gate receipts, whichever is greater.

Upon motion of Councilman Morris, seconded by Councilman Colton, the resolution was unanimously adopted.

RECONSIDERATION OF BIDS FOR DEMOLITION AND REMOVAL OF THIRTEEN DWELLING HOUSES IN THE MODEL CITIES AREA

8. Bids for the demolition and removal of thirteen dwelling houses in the Model Cities Area, deferred from the September 9, 1971 meeting, were reconsidered. The City Manager informed the Council that a completion date of November 1, 1971 had been certified by the firm of Constance and Burnette Grading Company, the low bidder.

Vice Mayor Marshall then moved that the contract be awarded to the low bidder. This motion was seconded by Councilman Hoyle and was unanimously adopted.

RESOLUTION NO. 71-120 - A RESOLUTION SUPPORTING H. R. 7180 NOW PENDING IN THE CONGRESS OF THE UNITED STATES

9. Consideration was given to a resolution supporting H. R. 7180 now pending in the Congress of the United States, a resolution urging Congress to enact laws permitting use of surplus property by Parks and Recreation Departments.

Mr. William Peyton, Chairman of the Parks and Recreation Board, told the Council that the passage of the pending bill would be of financial benefit to the Parks and Recreation Department and recommended that the Council support the legislation.

Upon motion of Councilman Colton, seconded by Councilman Dailey, the resolution was unanimously adopted.

COUNCILMAN OCHSENREITER JOINS COUNCIL MEETING

At approximately 3:20 P. M. Councilman Ochsenreiter took his regular seat with the Council.

Thursday, September 16, 1971 - 3:00 o'clock P. M.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., presiding; Councilmen Henry E. Colton, Ralph D. Morris, Jr., Calvin W. Marshall, Ruben J. Dailey, J. W. Hoyle, City Manager Phin. Horton III, Corporation Counsel Robert J. Robinson, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Eugene C. Ochsenreiter

1. Approval of minutes of September 9, 1971.

Upon motion of Councilman Dailey, seconded by Councilman Hoyle, the minutes were approved as submitted.

ORDINANCE NO. 710 AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. Ordinance No. 710, an Ordinance rezoning a piece of property at the corner of Deaverview Road and Greenhill Avenue from RA-6 Residential District to Neighborhood Trading Area, passed unanimously on its third and final reading.

A complete copy of the Ordinance will be found in Ordinance Book 5 Page 189.

ORDINANCE NO. 711 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED.

3. Ordinance No. 711, an Ordinance rezoning two tracts of land in the Druid Drive, Patton Avenue and Mace Avenue area from RA-6 Residential District to Neighborhood Trading Area, passed unanimously on its third and final reading.

A complete copy of the Ordinance will be found in Ordinance Book 5 Page 190.

ORDINANCE NO. 712 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

4. Ordinance No. 712, an Ordinance rezoning a piece of property in the Long Street area off Merrimon Avenue from RA-6 Residential District to Neighborhood Trading Area, passed unanimously on its third and final reading.

A complete copy of the Ordinance will be found in Ordinance Book 5 Page 191.

REZONING REQUEST
B. L. BULLARD- MIMOSA DRIVE

5. The City Manager read a request from B. L. Bullard that his property at 46-48-50 Mimosa Drive be rezoned from RA-6 Residential District to Neighborhood Trading Area.

Mayor Wood instructed the City Clerk to transmit the petition to the Planning and Zoning Commission for study and recommendation.

ORDINANCE NO. ____ - AN ORDINANCE AMENDING ORDINANCE NO. 643, "AN ORDINANCE RESTRICTING PARKING ON CHARLOTTE STREET AND OAK STREET DURING CERTAIN HOURS"

14. Consideration was given to an Ordinance amending Ordinance No. 643, "An Ordinance restricting parking on Charlotte and Oak Streets during certain hours".

Chief J. C. Hall explained to Council that he favored such an Ordinance, but that his department needed the same authority on other streets with equal traffic problems as Charlotte and Oak Streets. He requested that the Council defer action on the Ordinance at this time and consider a more inclusive ordinance at a later date.

Councilman Dailey moved that in lieu of Chief Hall's request that the proposed Ordinance be tabled. Councilman Morris seconded the motion and it was carried unanimously.

REQUEST FOR BILLIARD HALL PERMIT BY JOHN W. BELL FOR THE Q-BALL LOUNGE

15. Consideration was given to the granting of license to John W. Bell to operate a billiard hall known as the Q-Ball Lounge on Haywood Road in West Asheville.

The City Manager read the favorable inspection reports of the Health Department, Fire Department and Building Inspector, and the unfavorable recommendation of the Chief of Police.

Corporation Counsel, Robert J. Robinson, reviewed several sections of the City Code relating to billiard halls. He pointed out that the Ordinance prohibits the location of a billiard hall in this zone that does not face on Haywood Road.

John W. Bell, who requested the permit, assured the Council that he intended to operate a respectable business.

Chief Hall stated that he had no particular problems while Mr. Bell was operating the business and closed him up only because his license was not in order.

Mr. James Grey, 101 Vermont Avenue, stated that he had observed the operation of the billiard hall before and after Mr. Bell took over the operation. He stated that even though the former operation was not desirable he was convinced that Mr. Bell would make every effort to operate in an orderly manner.

Mrs. Patton, a receptionist for a beauty parlor in the shopping center reported that each morning as she went to work she observed many beer cans in front of the billiard hall.

Councilman Hoyle moved that the billiard hall permit be granted. His motion was seconded by Vice Mayor Marshall and carried on a 4-2 vote with Mayor Wood not voting.

"NEW ASHEVILLE STORY PROGRAM"

Mayor Wood recognized the presence of a group attending the "New Asheville Story Program" jointly sponsored by the Asheville Junior League and the Asheville Chamber of Commerce.

RESOLUTION NO. 71-121 - RESOLUTION AMENDING THE ASHEVILLE COMPREHENSIVE CITY DEMONSTRATION PROGRAM BY ADOPTION AND INCLUSION THEREIN OF A NEW PROJECT ENTITLED RIVERSIDE PARK

10. Consideration was given to Resolution No. 71-121, a Resolution amending the Asheville Comprehensive City Demonstration Program by adoption and inclusion therein of a new project entitled "Riverside Park".

Mayor Wood asked Mr. William Peyton, Chairman of the Parks and Recreation Board, for his comments on the proposal. Mr. Peyton stated that his board has studied the tentative plan and that they endorsed in principal the establishment of Riverside Park.

Miss Fannie McCoy voiced her opposition.

Upon motion of Councilman Dailey, seconded by Councilman Morris the resolution was unanimously adopted.

RESOLUTION NO. 71-122 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO A COOPERATION AGREEMENT WITH THE DEPARTMENT OF PUBLIC WORKS FOR THE OPERATION OF THE SANITATION PARTICIPATION PROJECT OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM

11. Consideration of a resolution authorizing the Mayor of the City of Asheville to enter into a cooperation agreement with the Department of Public Works for the operation of the Sanitation Participation Project of the Comprehensive City Demonstration Program.

Upon motion of Councilman Morris, seconded by Councilman Dailey, the resolution was unanimously adopted.

RESOLUTION AMENDING THE ASHEVILLE COMPREHENSIVE CITY DEMONSTRATION PROGRAM BY ADOPTION AND INCLUSION THEREIN OF A NEW PROJECT ENTITLED SELF-DEFENSE TRAINING

12. Consideration was given to a resolution amending the Asheville Comprehensive City Demonstration Program by adoption and inclusion therein of a new Project entitled "Self-Defense Training".

Mr. Chuck Matthews, Director of the Project, explained that this was to be an interim program and a continuation of similiar summer program just completed. He said the participation and results had been very good so far. At the request of Mayor Wood he gave a brief description of a typical three hour session.

Mayor Wood asked for a motion for the adoption, not receiving one he declared that the resolution did not pass.

ORDINANCE NO. 713 - AN ORDINANCE RESTRICTING PARKING ON BILTMORE AVENUE DURING CERTAIN HOURS

13. Consideration was given to an Ordinance restricting parking on Biltmore Avenue during certain hours.

Councilman Hoyle moved the adoption of the ordinance, which motion was seconded by Councilman Morris. Ordinance No. 713 passed unanimously on its first reading.

Thursday, September 23, 1971 - 3:00 o'clock

Regular Meeting

Present: Mayor Richard A. Wood, Jr., presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Henry E. Colton, Ralph D. Morris, Jr., Ruben J. Dailey, J. W. Hoyle, City Manager Phin. Horton III, Corporation Counsel Robert J. Robinson.

Absent: William F. Wolcott, Jr. - Assistant City Manager/City Clerk

Mayor Wood called the meeting to order and designated Mr. Phin. Horton, III as Acting City Clerk to substitute for Mr. William F. Wolcott, Jr. who was out of the City on vacation.

1. Approval of minutes of September 16, 1971.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Colton, the minutes were approved as submitted.

ORDINANCE NO. 713- AN ORDINANCE RESTRICTING PARKING ON BILTMORE AVENUE DURING CERTAIN HOURS

2. Ordinance No. 713, an Ordinance restricting parking on Biltmore Avenue during certain hours, passed unanimously on its second reading.

CONSIDERATION OF A RECOMMENDATION FROM THE ASHEVILLE HOUSING AUTHORITY REGARDING A BID OF FIRST BAPTIST CHURCH ON PARCEL NO. 9 OF CIVIC REDEVELOPMENT (NR R-13).

3. Mr. Ray Wheeling of the Asheville Housing Authority made a report to Council regarding a bid of $18,026.85 for the sale of Parcel No. 9 of the Civic Redevelopment (NC R-13) to the First Baptist Church and stated that the Asheville Housing Authority recommended approval.

Councilman Morris moved for the approval of the sale. This motion was seconded by Councilman Ochsenreiter and was unanimously adopted.

RESOLUTION NO. 71-123 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE MUTUAL AID AGREEMENTS FOR FIRE PROTECTION WITH MUNICIPALITIES, INCORPORATED FIRE DEPARTMENTS AND RESCUE SQUADS LOCATED WITHIN BUNCOMBE COUNTY

4. Council considered a resolution authorizing the Mayor to execute mutual aid agreements for fire protection with municipalities, Incorporated Fire Departments and Rescue Squads located within Buncombe County.

Chief P. N. Ball advised that he had met with the rated Buncombe County Volunteer Fire Departments and Rescue Squads and has worked out the mutual aid agreements. He recommended passage of the resolution.

City Manager Phin. Horton III advised the Council that the Duty Chief at all times would determine what apparatus should be used without jeopardizing the security of the City.

Upon motion of Councilman Hoyle, seconded by Councilman Dailey, the resolution passed unanimously.

PETITION FROM RESIDENTS OF EAST CHESTNUT STREET TO DEMOLISH VACANT HOUSE-
43 EAST CHESTNUT STREET

The City Manager read a petition from residents of East Chestnut Street, requesting that the Housing Officer look into the demolition of a vacant house at 43 East Chestnut Street.

Mayor Wood referred the petition to the office of the Building Inspector, for investigation and recommendation.

PETITION FOR RENEWING BUS SERVICE IN THE WASHINGTON ROAD AREA

The City Manager read the petition which included many pages of signatures.

Mrs. Pearl McDaniel addressed the Council and urged that the petition be given every consideration.

Mayor Wood referred the petition to the Asheville Transit Authority for study and recommendation.

DEMOLITION OF PROPERTY AT 247 PATTON AVENUE

Corporation Counsel, Robert J. Robinson, advised the Council that their recent action relating to the demolition of the property at 247 Patton Avenue could not be carried out, because North Carolina Statutes required a lien procedure where buildings are demolished. He recommended that Council rescind their previous action.

Councilman Morris moved that the action taken on September 2, 1971 with reference to this property be deferred and that the matter be referred to the Building Inspector's office for further study. This motion was seconded by Councilman Hoyle and was unanimously adopted.

MISS FANNIE McCOY

Miss Fannie McCoy spoke to Council in reference to the poisons being put in the public water supply.

Adjournment.

After adjournment, Mayor Wood proclaimed September 19-25 as "Volunteer Week" in the City of Asheville.

Richard D Wood Jr.
MAYOR

William E McCarty
CITY CLERK

Regular Meeting

Present: Mayor Richard A. Wood, Jr., presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Henry E. Colton, Ralph D. Morris, Jr., Ruben J. Dailey, J. W. Hoyle, City Manager Phin. Horton III, Corporation Counsel Robert J. Robinson, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of September 23, 1971.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, the minutes were approved as submitted.

PUBLIC HEARING ON THE AVON DEVELOPMENT SITE PLAN - MERRIMON AVENUE

2. A public hearing was held to consider the approval of the Avon Development Corporation's site plan for their development on Merrimon Avenue.

Mayor Wood opened the public hearing at 3:03 o'clock P. M.

The City Manager read the affidavit of publication and the recommendation of the Planning and Zoning Commission which favored the approval of the plan. He also distributed to Council copies of the report from the Building Inspector which indicated that the site was being graded in accordance with the plan.

Mr. Fred Hoffman, Lakeshore Drive resident asked if landscaping was being considered. Mr. Kmecza, Planning Director, assured him that provisions were being made for landscaping and safety.

Mr. J. F. Redmon asked why parking was being permitted in RA-6 Residential zone and Mr. Kmecza again, responded that this was not in violation of the Zoning Ordinance.

Mrs. R. F. Redmon also spoke in opposition to the plan.

Councilman Morris asked when the property was rezoned and was informed by Mr. Kmecza that the rezoning was approved 1 to 1½ years ago.

Public hearing was closed at 3:33 o'clock P. M.

Councilman Colton then moved for the approval of the site plan; this was seconded by Councilman Dailey and passed unanimously.

Mayor Wood instructed the Building Inspector to be especially observant of this project to insure that all the provisions of the proposed plan were carried out.

ORDINANCE NO. 713 - AN ORDINANCE RESTRICTING PARKING ON BILTMORE AVENUE DURING CERTAIN HOURS

3. Ordinance No. 713, an Ordinance restricting parking on Biltmore Avenue during certain hours passed unanimously on its third and final reading.

Complete copy of the ordinance will be found in Ordinance Book 5 Page 192.

Miss Fannie McCoy and Miss Nell Stroupe spoke in opposition.

POLICY STATEMENT BY CITY COUNCIL ON CIVIC CENTER PROJECT

4. On behalf of the Council, Mayor Wood read a prepared policy statement on the Civic Center Project.

The complete text of this policy statement follows:

71-124 - RESOLUTION CONSENTING TO REGULATIONS OF ITINERANT MERCHANTS WITHIN THE CITY OF ASHEVILLE BY THE COUNTY OF BUNCOMBE

5. Council considered a resolution consenting to regulations of itinerant merchants within the City of Asheville by the County of Buncombe.

Mr. Dan [redacted] Manager of the Better Business Bureau, spoke in favor of the resolution. He stated that the passage of this resolution in cooperation with Buncombe County would assist the Better Business Bureau in protecting consumers from fly-by-night itinerant merchants and would help prevent fraudulent transactions from taking place.

Mr. Phillip G. Carson, local attorney, spoke and stated he was not opposed to the resolution in principal but he questioned various provisions of the resolution. He said it was not clear on whether each salesman in a crew of five or ten must buy a $50.00 permit, on the 24-hour "waiting period", before operations may begin, and on whether new permits would be required each time a sales crew came into Asheville. He warned that these should be cleared up and asked that action be deferred.

Councilman Colton stated that he was in favor of the resolution in principal and moved for its adoption, said motion was seconded by Councilman Hoyle.

After a discussion Councilman Morris moved that the consideration of the resolution be tabled. This motion was seconded by Councilman Ochsenreiter. Mayor Wood called for a vote, not being able to determine the decision from the voice vote, and requested a roll call vote. Councilmen Ochsenrieter and Morris voted "aye", Vice-Mayor Marshall, Councilmen Colton, Dailey and Hoyle voted "no". Mayor Wood abstained from voting. The motion to table was defeated.

Councilman Dailey then moved to proceed with the vote on the question, Vice Mayor Marshall seconded this motion and it was unanimously adopted.

A voice vote was then taken and the resolution was unanimously adopted.

The Acting City Clerk was directed to transmit a copy of the resolution to the County Commissioners and the City Attorney was directed to confer with the County Attorney as to enforcement and clarification of the County's Resolution.

DEMOLITION OF RESIDENCE AT 43 E. CHESTNUT STREET

Mr. J. E. Johnson, Building Inspector, reported to Council that he would proceed with the statutory procedures regarding the demolition of a residence at 43 E. Chestnut Street.

Mrs. A. F. Cosner, 41 Victoria Road, presented a petition regarding the parking in front of their residence at the above address. She complained that the traffic generated by the Medical Dental Building across the street restricted the parking for the private home owners and she asked that the spaces fronting on 41 Victoria Road be designated as private parking.

Mayor Wood referred the petition to the City Manager for study and investigation.

Adjournment

Richard A Wood Jr.
MAYOR

Miriam S McCatty
CITY CLERK

the complex as then conceived only in broad outline;

(3) In 1968, in order to qualify as a $1.5 million credit toward the City's share of the cost of the Civic Redevelopment Urban Renewal Project, the proposed facilities had to be located within 1/4 mile of one of our urban renewal projects. Otherwise, other public improvements would have to be made in the area or additional urban renewal bonds be authorized and issued;

(4) In 1968 and 1969, land adjacent to the present City Auditorium, which is within 1/4 mile of the Civic Redevelopment Project, was purchased by the City as the site for the "convention center";

(5) Due to steadily increasing construction costs, it became apparent by 1969 that the funds authorized in 1967 would not permit completion of a separate "convention center" and "civic arts center";

(6) After extensive consultations with a number of civic groups, the then - new City Council, which had been elected in May of 1969, decided to "merge" the two facilities by making extensive renovations to the City Auditorium and adding facilities for use by cultural groups to both the City Auditorium and the modified "convention center." This merged facility came to be known as the "Civic Center.";

(7) In the supplementary bond referendum held on May 26, 1970, our voters, by a narrow margin, did not approve a supplemental bond issue of $2 million for the combined Civic Center;

(8) On May 27, 1970, the City Council authorized the signing of contracts within the funds remaining from the 1967 bond issue. The general contract was executed and construction of the Civic Center was begun. It was acknowledged publicly by the City Council at the time that the funds available would not permit completion of the facility. Therefore, contracts for a new lobby, seating and air conditioning were not awarded;

(9) On June 17, 1970, a lawsuit was instituted which contended that the merged Civic Center violated the intent and purpose for which the 1967 bond issues were authorized and sought to prevent construction of the Civic Center. On April 15, 1971, the North Carolina Supreme Court affirmed an earlier dismissal of this action;

September 30, 1971

POLICY STATEMENT BY ASHEVILLE CITY COUNCIL ON CIVIC CENTER PROJECT

Your City Council is today beginning the steps necessary to hold a referendum on Tuesday, December 14, 1971, in which our voters will be asked to approve the City of Asheville issuing up to $3 million in general obligation bonds for the purpose of completing the Civic Center presently under construction and additional facilities related to that project.

Your Council has devoted many hours of individual and collective thought, study and effort to determining what should be done concerning the Civic Center project. No other matter has been given more attention by us than has the process of deciding the best course of action to follow on this project. This has been done for two reasons. First, the Civic Center project or any modification of it which might have proven feasible involves substantial sums of money - your money as citizens of this community. Your Council has worked diligently to make the funds available to the City for providing municipal services go just as far as possible and be spent as wisely as possible. We feel that this is one of our most important responsibilities. Secondly, we have approached a decision on this matter with full awareness and appreciation of the fact that the project has been surrounded with controversy since its inception. We feel that it is of great importance to the unity and civic pride of our City that these differences of opinion be laid to rest and that all segments of our community start working together again in order for us as a community to prepare to meet the years of challenge and opportunity which lie ahead.

After this Council was elected in May of this year, we quickly found that any decisions we might make had to be made in light of the following hard, irreversible facts:

(1) This project was originally conceived in the mid-1960's as two separate facilities - a "convention center" which would function as an exhibition hall and arena for large gatherings such as athletic events, and a "civic arts center" with a small theatre and facilities for the various cultural organizations in our community;

(2) The 1967 bond referendum had approved, by a substantial margin, the issuance of $5.3 million in bonds to construct

Additional construction contracts were authorized by Council on that date. Settlement of the general contractor's claims were negotiated and this settlement, in the amount of $205 thousand, was approved by Council on July 22. The additional construction contracts were awarded on July 29. Work resumed on the site in early August and is proceeding on schedule.

When the settlement was announced, your Council also stated unequivocally that it was committed to the completion of a "first class" Civic Center. All of our citizens would certainly agree that it would be folly to spend the balance of the funds already allocated to this project and end up with a facility which would be unusable for many of its intended purposes. Therefore, your Council also announced that careful study was underway to determine what alternative means might be available to finance the completion of the project. Despite pressures to speed up this process, your Council has explored with deliberation all the alternatives open to us. Many discussions have been had with our architectural, construction and financial advisors. Interested citizens and civic groups have offered suggestions and these viewpoints also have been fully considered.

We have concluded that our voters should be asked to approve up to $3 million in supplemental bonds for completion of the Civic Center as planned, plus additional facilities and improvements. A referendum for this purpose will be held on December 14, 1971. The reason for selecting this early date is that the City has the right to re-insert into its contract with the general contractor a number of items which have been omitted due to lack of funds at a guaranteed price prior to May 15, 1972, but many of these items must be added to the contract at an earlier date in order not to impede the orderly progress of the job.

Our current estimate of the cost to complete the new Civic Center and to remodel the City Auditorium in accordance with the 1969 plans is approximately $2.5 million. However, the architect's estimate does not include the furnishings and equipment essential to make the facilities useful for our citizens and again attract many major conventions to Asheville. We feel it is important to have some funds available to construct access ramps from adjacent parking areas and to cooperate with private enterprise in the development of such facilities. Finally, additional improvements should be made in the area of the Civic Center, such as landscaping, refurbishing the rear of the City Auditorium and relocating utility lines, in order that the area will be an even greater asset to our community when completed.

We therefore are asking the voters to approve the issuance of up to $3 million in bonds. We wish to emphasize that these bonds will

(10) Various delays were encountered in getting construction of the Civic Center underway again and on May 19, 1971, the general contractor for the project filed claims against the City for costs arising from delay totaling over $292 thousand. The City had no funds to pay the contractor for work already performed and the contractor was threatening to walk off the job;

(11) One million dollars in bond anticipation notes sold by the City were due from the bond sale. The only funds available to the City to meet this indebtedness would be from the sale of the bonds authorized in 1967, but which had not been issued and sold. The proceedings leading to issuance of these bonds had been initiated by the City Council on April 30, 1971, and the bids were to be received on June 8, 1971. Issuance of municipal bonds in our State is strictly regulated by the Local Government Commission. The Commission would have been most reluctant to permit sale and issuance of the bonds if the City Council had decided to discontinue the project.

We recite this background not for the purpose of again stirring up old debates and controversies. We do it not to suggest that any of these steps should or should not have been made. Our purpose, rather, is to point out that our decisions have, by necessity, been made with these facts in mind.

Faced with the foregoing facts, your City Council reached the unanimous conclusion that the Civic Center, as planned in 1969 and on which construction had already begun, should be completed. Too much of our City's money - over $1 million-had already been invested. In addition, Urban Renewal credits of about $1.5 million would have been lost unless alternative public improvements were made on a large scale, which had never been deemed feasible. The City would have been in a financial crisis surpassed only by the Depression Years of the 1930's if the bonds were not issued and the City's bond anticipation obligations satisfied. To have unilaterally cancelled the general construction contract already awarded would have led to further disputes with the contractor. To have again radically altered the concept of the proposed facility would have most certainly resulted in further division of our community and the prospect of further litigation.

Accordingly, your Council decided to proceed with the sale of the bonds, payment of the City's indebtedness, awarding of additional contracts and settlement of the claims of the general contractor. Very favorable bids for the bonds were received and accepted on June 8.

question, rather, will be the extent and quality of the facilities to be constructed.

Adequacy of parking, the other concern of our voters last year and of your Council now, has not been fully resolved at this point. However, we firmly believe that your City and private enterprise can cooperate in the development of parking facilities which will be of significant benefit to the Civic Center and our entire downtown area as well.

We believe that our citizens are entitled to know the full facts on this matter and the alternatives presently available to us as a community. We have carefully studied the possible ways of reducing the scope of this project presently under construction, in order to have a facility which would be usable from its opening, although without many of the improvements in the "first class" and complete Civic Center complex as described above. This scaled-down facility would consist of (1) the exhibition hall and arena facility, which would be functional but without any air conditioning, elevator facilities and some staging equipment and (2) the remodeling of the lower level of the existing City Auditorium for better use as a cultural exhibition facility. The remodeling of the upper level of the City Auditorium and the construction of a connecting lobby between the facilities would be eliminated. Approximately $1.4 million in additional funds would be necessary to complete these reduced facilities. These funds could not, by law, be derived from tax revenues. Interest on the 1967 bond proceeds and the leasing on a short-term basis of some of the equipment in the facility, such as seating, could be utilized to finance a portion of these scaled-down improvements. In addition, non-tax revenues of the City could be applied to the project. However, the application of such funds to the completion of this project would divert their use from other purposes. This would necessitate a reduction in the level of services of the City to its citizens while these funds were being applied to the project. Alternatively, if present levels of such service were to be maintained, increases in the ad valorem tax rate would be required during the period of construction and for several years beyond. Our best present estimate is that an increase in the ad valorem tax rate of about 12 cents per hundred dollars, or approximately 10 per cent, would be necessary over the next four or five fiscal years to maintain present service levels. We are the first to recognize that this alternative is not an attractive one, but we have concluded, after long consideration, that it is the only feasible alternative to supplemental bond funds open to our community and this Council. Having reached this conclusion, we feel that it is our obligation to make our citizens fully aware of our views.

The Civic Center has had a long and troubled history. The debate over its contents and location has been extensive. Unfortunately,

be sold and the proceeds used only if absolutely necessary to accomplish the above purposes.

We feel that it is particularly necessary that our citizens be satisfied that adequate parking with reasonable walking distance will be available. We are confident that this will be the case. We are already aware of a number of private individuals who are interested in making definite plans to erect such facilities as soon as they can be assured that the Civic Center project will be completed. We will assist and cooperate with such individuals to the fullest. However, without assurance that the complete Civic Center complex will be a reality, reasonable businessmen cannot justify the investment required to construct such parking facilities.

We have carefully studied the effect that the issuance of these additional bonds will have on our City's debt service over the years. The general refunding obligations incurred by the City in the 1930's will be paid by 1976. Our peak year in debt service expense will occur in Fiscal Year 1972-73 and thereafter the payment level will reduce. Our present levy for debt service on non-utility bonds is 35 cents per hundred dollars of assessed value, or approximately 23 per cent of our total tax levy. Debt service on these existing bonds will necessitate an increase of 3 to 5 cents per hundred dollars of assessed value beginning in Fiscal Year 1972-73 and continuing at this level for several years. We believe that we can arrange a repayment schedule on the additional bonds which will permit their repayment without any further increase in our ad valorem tax rate applied to debt service.

Some will ask why your City Council has committed itself to completion of the Civic Center complex despite the fact that the voters, by a narrow margin, did not approve issuance of bonds for this purpose in 1970. We have reached this decision for the reasons stated above. Moreover, many people are of the opinion that the 1970 bond referendum was unsuccessful for two reasons - the location of the Civic Center complex, for which land had been purchased and plans drawn but construction had not begun, and the inadequate existing parking in the area.

Many voters, it is said, voted against the bond issue in the belief that they were voting against the proposed location of the facility and that the location would be changed if the bonds were not authorized. With the benefit of hindsight, it can be seen that this was not the case. The City Council then in office, by awarding the general construction contract after the unsuccessful referendum, removed all doubt thereafter that it would be economically feasible to relocate the project. Construction on the project has now been underway for over a year. Substantial funds have been spent during this period. The location of the Civic Center complex cannot, therefore, reasonably be at issue in the forthcoming bond referendum. The

Dr. Parker, Vice-President of the Civic Arts Council informed the Council that his group would like an opportunity to study the policy statement and change in plans before commenting on the policy. Mayor Wood assured him that the Council was prepared to meet with his group at any time.

Mr. E. R. McCarthy asked if the Council had considered the cost of operating the center after completion. He said he felt that all phases of the project should be considered.

Mayor Wood informed him that the policy statement was prepared so that all citizens could be informed. He said the statement would be available to anyone to examine.

RESOLUTION NO. 71-125 - RESOLUTION ADOPTING A POLICY STATEMENT ON CIVIC CENTER PROJECT

The Council then individually signed the statement, and upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 71-125, a Resolution Adopting the Policy Statement, and setting in motion procedures for holding a referendum on December 14, 1971, for the voters of the City of Asheville to approve the issuance of $3,000,000.00 in general obligation bonds to complete the Civic Center, was unanimously adopted.

Mr. Robert Weiler, representing the Asheville Symphony Society, read the following resolution, adopted recently by his organization:

RESOLUTION

The Asheville Symphony Society, at its recent meeting, adopted the following:

RESOLVED, that we support the Asheville City Council in their decision to proceed with the construction of the Civic Center on the Hiawassee Street site and to renovate the existing City Auditorium;

WHEREAS, we realize that further bonds will have to be approved by the Residents of the City of Asheville;

THEREFORE, we pledge our support and will work toward the successful passage of such a bond referendum.

Robert Weiler
Asheville Symphony Society
Representive to Civic Arts
Council and members of C.A.C.
Building Committee

BIDS FOR NEW ENTRANCE DOORS AND GLASS ENCLOSED VESTIBULE FOR CITY HALL BUILDING

5. Council considered the following bids for the installation of new entrance doors and glass enclosed vestibule for the City Hall Building:

Pritchard Paint and Glass Co.	Merchants Construction Company
$4,612.00	$8,980.00

The City Manager read the bids and recommendations of the Purchasing Agent and added his recommendation that the low bidder, Pritchard Paint and Glass Company be awarded the bid.

Councilman Colton moved, seconded by Vice Mayor Marshall, that the bids be awarded to the low bidder. This motion was unanimously adopted.

this delay and debate has been a very negative influence on the civic pride and cooperative spirit of our community. We have pulled apart as a community much too long. We must now pull together. Your Council is made up of seven men from varied backgrounds and occupations. Every possible consideration has gone into our decisions announced today. Our conclusions are unanimous and we are pledged to exert every effort to bring our City back together on this question and move together into the future.

We cannot, however, do this alone. We ask the support of all segments of our community for this supplemental bond referendum. So often in the past, civic projects and facilities in our community have been "too little" or "too late." Let us work together toward the completion of this Civic Center. When it is completed, we are satisfied it will be a significant asset to our civic and cultural life and will further the development of our community.

Richard A. Wood, Jr., Mayor

Calvin W. Marshall, Vice-Mayor

Henry E. Colton, Councilman

Ruben J. Dailey, Councilman

J. W. Hoyle, Councilman

Ralph D. Morris, Jr., Councilman

Eugene C. Ochsenreiter, Jr., Councilman

At the end of the lengthy discussion period, Mayor Wood said the Model Cities package would be scheduled as an item of business at next week's Council meeting.

MISS AUGUSTA BARNETT
LETTER REQUESTING RETIREMENT

The City Manager advised the Council that he had received a letter requesting retirement from Miss Augusta Barnett, effective as soon after November 7, 1971 as practicable.

Mayor Wood said Council would accept Miss Barnett's request for retirement as information for the time being, and later find some way to give her the recognition she deserves.

The City Manager advised Council that he is seeking to find a qualified candidate to pursue the city's parks and recreation programs, and solicited suggestions as to likely candidates for the job.

Adjournment.

Richard D. Wood, Jr.
MAYOR

William F. Worcester
CITY CLERK

REPORT OF CONGESTED PARKING IN FRONT OF THE RESIDENCE OF MRS. A. F. COSNER 41 VICTORIA ROAD

6. With reference to the complaint of Mrs. A. F. Cosner of 41 Victoria Road, regarding the congested traffic in front of 41 Victoria Road, the City Manager read the following:

A letter from Dr. A. C. Riddle, Jr.
A memorandum from W. A. Bostic, Jr., City Street Superintendent.
A memorandum from Paul Dutcher, City Traffic Engineer.

All indicated that the doctors in the Medical Dental Building were not violating the use of the public street.

Both Mr. and Mrs. Cosner addressed the Council and requested some action be taken.

Mayor Wood informed them that since Victoria Road was a public thoroughfare, and since no laws were being violated, there was very little the Council could do.

ORDINANCE NO. 714 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 22 BAXTER ALLEY, 21 BAY STREET, 55 AND 61 CIRCLE STREET, 25 CLEMMONS STREET, 53 ELIZABETH PLACE, 32 GIBBONS STREET, 208 HAYWOOD STREET, 27 JERSEY STREET, 7 KNOB STREET, 46 AND 52 MAX STREET, 247 PATTON AVENUE, 31 RIDGE STREET, 10 TUSKEEGEE STREET, AND 21 WEAVER STREET

7. Consideration was given to Ordinance No. 714, an Ordinance directing the Housing Officer to demolish various sub-standard houses under the authority of Chapter 8 of the Code of Ordinances.

The City Manager read the complete ordinance.

A. C. Mitchell, a resident of the area in which most of the houses are located, stated that the time interval before demolition would begin could work a hardship on those who wished to repair their houses rather than have them torn down.

Mr. J. E. Johnson, City Building Inspector, answered by informing Council that all the houses designated for demolition were vacant and were almost unrepairable.

Dicie Jackson spoke in favor of the ordinance and concurred with Mr. Johnson's statement.

Councilman Colton moved the adoption of the ordinance, Vice-Mayor Marshall seconded this motion and it was passed unanimously on its first reading.

PRESENTATION OF MODEL CITIES SECOND ACTION YEAR PROGRAM

8. The Council heard Arthur Edington, Vice Chairman of the Model Cities Commission, summarize the Second Action Year Program.

The Council questioned several of the recommendations for the agency's Second Action Year Program and the Model Cities officials and residents of the area very vigorously defended their priorities, particularly the "Self-Defense" Program.

Charles Mathews, Joe Walker, Shirley Brown, James McDowell, Nola Knuckles, and Larry Fisher all spoke in favor of the "Self-Defense" Program.

Nellie Hughes, representing the Girl Scouts, spoke in opposition to the reduced Girl Scout Program.

Upon motion of Councilman Dailey, seconded by Councilman Colton, the resolution was unanimously adopted.

BIDS - 4 - 6 TON TANDEM ROLLER AND A DIESEL CRAWLER LOADER FOR STREET DEPARTMENT

6. Consideration was given to bids received on October 1, 1971 for a 4-6 ton Tandum Roller and a Diesel Crawler Loader for the Street Department.

The City Manager advised that after due advertisement bids had been received as follows:

Item # 1 - One Diesel Crawler Loader for Street Department

Bidders	Bid	Warranty
1. Blue Ridge Tractor & Implement Co.-Asheville	$18,452.00	6 Months
2. Carolina Tractor & Equipment Co. - Asheville	20,800.00	6 Months
3. E. F. Craven Company - Asheville	20,017.00	6 Months
4. Western Carolina Tractor Company - Asheville	21,500.00	6 Months
5. Arden Equipment Company - Arden, N. C.	18,334.96	12 Months

On questioning by the Council, Mr. W. A. Bostic, Superintendent of the Street Department, stated that the life of the equipment should be from 5 to 7 years, and that he could not foresee any problems with parts or repairs by awarding the bid to a firm outside the city. He further stated that the piece of equipment being furnished by the low bidder was in excess of the specifications and that he recommended the low bidder.

The City Manager concurred in this recommendation.

Councilman Morris moved that the low bidder of $18,334.96 for Item I, made by the Arden Equipment Company, be accepted. Councilman Ochsenreiter seconded this motion and was unanimously adopted.

Item # 2 - One 4-6 Ton Tandem Roller for Street Department

Bidders	Bid	Warranty
1. Interstate Equipment Co.- Statesville, N. C.	$ 6,986.00	6 Months
2. E. F. Craven Company - Asheville, N. C.	7,691.30	6 Months
3. Western Carolina Tractor Company - Asheville,N.C.	7,346.00	6 Months
4. Mitchell Distributing Co. - Asheville, N. C.	8,237.56	6 Months

On Item II, the City Manager recommended the award be made to the low bidder.

Councilman Colton moved that the award be made to the low bidder, Interstate Equipment Company in the amount of $6,986.00. This motion was seconded by Vice-Mayor Marshall and was unanimously adopted.

BIDS - AERIAL BUCKET FOR THE FIRE DEPARTMENT

7. Consideration was given to bids received October 4, 1971 for one Aerial Bucket for the Fire Department.

The City Manager advised that after due advertisement the following bids were received:

ITEM # 1 - One Aerial Bucket with All Controls installed on Fire Department Equipment

Bidders	Bid
1. Baker Equipment & Engineering Co.- Charlotte,N.C.	$ 5,160.30
2. Murphy Body Distributors - Wilson, N. C.	5,175.00
3. Cook Body Company - Charlotte, N. C.	6,690.62

and recommended that the award be made to the low bidder.

Thursday, October 7, 1971 - 3:00 o'clock

Regular Meeting

Present: Mayor Richard A. Wood, Jr., presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Henry E. Colton, Ralph D. Morris, Jr., Ruben J. Dailey, J. W. Hoyle, City Manager Phin. Horton III, Corporation Counsel Robert J. Robinson, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of September 30, 1971.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, the minutes were approved as submitted.

MAYOR'S PRESENTATION OF AWARDS TO "HIRE THE HANDICAPPED" EMPLOYERS

2. Mayor Wood announced the winners and presented awards and certificates of merit, to the following firms who have done an outstanding job of hiring the handicapped:

Outstanding employer of less than 200 employees.
Data Processing Division, Air Weather Service, U. S. Air Force

Outstanding employer of over 200 employees.
Gerber Products Company

Certificates of Merit for employers of less than 200 employees.
Daniels Graphics
English Lumer Company

Certificates of Merit for employers of over 200 employees.
Veterans Administration Hospital
Kellwood Company

R. L. CLARK APPOINTED CHAIRMAN
MAYOR'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED

3. Mayor Wood announced the appointment of R. L. Clark of 20 Robindale Avenue as the Chairman of the Mayor's Committee on Employment of the Handicapped for the year October 1971 to October 1972.

ORDINANCE NO. 714 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 22 BAXTER ALLEY, 21 BAY STREET, 55 AND 61 CIRCLE STREET, 25 CLEMMONS STREET, 53 ELIZABETH PLACE, 32 GIBBONS STREET, 208 HAYWOOD STREET, 27 JERSEY STREET, 7 KNOB STREET, 46 AND 52 MAX STREET, 247 PATTON AVENUE, 31 RIDGE STREET, 10 TUSKEEGEE STREET, AND 21 WEAVER STREET

4. Ordinance No. 714, an Ordinance directing the Housing Officer to demolish various sub-standard houses under the authority of Chapter 8 of the Code of Ordinances passed unanimously on its second reading.

RESOLUTION NO. 71-126 - A RESOLUTION OF APPOINTMENTS BY THE CITY COUNCIL OF MEMBERS OF THE BOARD OF DIRECTORS OF THE ASHEVILLE- BUNCOMBE COUNTY COMMUNITY RELATIONS COUNCIL

5. Consideration was given to a resolution appointment Robert L. Harrell of 6 Pearson Drive, Asheville, North Carolina and Morton S. Cohn of 161 Windsor Road, Asheville, North Carolina to serve on the Asheville Buncombe County Community Relations Council for three year terms effective October 22, 1971.

1. Claim of Mrs. Joseph Troitino in connection with lost clothing allegedly picked up by Sanitation Department.
2. Claim of Rev. Ralph F. Neagle for car damage sustained on Dover Street.
3. Claim of Leona M. Whitted by Robert B. Willson, Attorney, for fall on College Street at Lexington Avenue.
4. Claim by Glen Anders and wife, Mildred F. Anders, 52 Florida Avenue claiming $5,000 damages as result of dust pollution caused by unpaved Florida Avenue and overflow from stream.
5. Claim of F. Irby Stephens, M. D., by William C. Morris, Jr., Attorney - $10,000 for fall at Asheville City Auditorium.
6. Claim by John B. Davis for car damage sustained at Lake Julian.
7. Claim by Louise Carland for car damage sustained at All Souls Crescent.

Adjournment.

Richard D. Wood, Jr.
MAYOR

William J. Hatchett
CITY CLERK

Vice-Mayor Marshall moved that the low bid of $5,160.30, made by the Baker Equipment Company be accepted. This motion was seconded by Councilman Hoyle and was unanimously adopted.

REZONING PETITION - PROPERTY IN THE CLINGMAN AVENUE, PARK AVENUE, JEFFERSON AVENUE AREA

8. Consideration was given to a petition to rezone several pieces of property in the Clingman Avenue, Park Avenue, Jefferson Avenue area, from RA-5 Residential District to Industrial.

The City Manager read the petition and advised Council that it was in order.

Mayor Wood instructed the City Clerk to refer the petition to the Planning and Zoning Commission for study and recommendation.

RESOLUTION NO. 71-127 - RESOLUTION REQUESTING THE MODEL CITIES COMMISSION AND THE MODEL CITIES STAFF TO MAKE ADJUSTMENTS IN THE MODEL CITIES SECOND ACTION YEAR PLAN.

9. Consideration was given to a resolution requesting the Model Cities Commission and the Model Cities Staff to make adjustments in the Model Cities Second Action Year Plan.

The City Manager read the resolution.

There was no discussion on the resolution and Mayor Wood asked for a motion. Councilman Ochsenreiter so moved, and motion was seconded by Vice Mayor Marshall and was passed unanimously.

Councilman Colton pointed out that the nature of the resolution was to take the program as presented, make certain recommendations or deletions and that Council had not taken a positive stand because they felt the plan should come from the Model Cities Commission.

Mayor Wood addressed Mr. Delany and stated that he hoped that the Model Cities Commission and the Model Cities Staff could rework the plan in time to be taken up at the next week's Council meeting.

The City Clerk was instructed to transmit a copy of the resolution to the Model Cities Commission.

APPLICATION FOR LICENSE TO OPERATE BILLIARD PARLOR - S. W. PACK SQUARE

Consideration was given to an application for a license to operate a billiard parlor on S. W. Pack Square.

The City Manager read the application and advised Council that it was in order.

Mayor Wood instructed the City Clerk to transmit copies of the application to the Building Inspector, Police and Fire Departments and the Health Department for investigation and recommendation.

CLAIMS - FILED WITH CITY CLERK'S OFFICE

The City Clerk asked permission to read the list of claims that have been filed with his office during the past several weeks. The list is as follows:

ZONING ORDINANCE - RECOMMENDATION FROM PLANNING AND ZONING REGARDING THE REZONING OF PROPERTY OF CHESTER A. COGBURN ON PATTON AVENUE IN THE VICINITY OF ASHEVILLE SCHOOL

5. Consideration was given to a recommendation from the Planning and Zoning Commission regarding the rezoning of the Chester A. Cogburn property on Patton Avenue in the vicinity of Asheville School.

The City Manager read the unfavorable recommendation from the Planning and Zoning Commission.

No one appeared regarding the petition, and no action was taken by the Council.

Petition denied.

ZONING ORDINANCE - RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION REGARDING THE REZONING OF THE PROPERTY OF B. L. BULLARD AT 46-48-50 MIMOSA DRIVE.

6. Consideration was given to a recommendation from the Planning and Zoning Commission regarding the rezoning of the property of B. L. Bullard at 46-48-50 Mimosa Drive.

The City Manager read the unfavorable report from the Planning and Zoning Commission.

Mr. Bullard appeared in his own behalf and requested the Council to schedule the public hearing.

Upon motion of Councilman Ochsenreiter, seconded by Vice-Mayor Marshall, it was moved that a date for public hearing be advertised. This motion carried unanimously.

SHELBURNE ROAD - GROUP DEVELOPMENT - C. HENRY McCLAIN APARTMENTS

7. Consideration was given to the scheduling of a public hearing on the group development plan for an apartment project on the C. Henry McClain property on Shelburne Road, and the acceptance of opposing petitions for consideration of said public hearing.

The City Manager read the report of the Planning and Zoning Commission approving the site plan and the preliminary subdivision plat.

The City Manager read a letter from Mr. McClain in which he outlined his plans to construct a luxury type apartment complex on the site.

The City Manager read a communication from the West Asheville Business Association in which they opposed the project.

Mr. Shelby Horton, an attorney, appeared in behalf of the residents of Shelburne Road and the members of the Trinity Baptist Church, and presented petitions from both groups in opposition to the project.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle it was moved that the project be scheduled for public hearing. This motion was carried unanimously.

Mayor Wood instructed the City Clerk to advise Mr. Shelby Horton of the date for the public hearing.

Thursday, October 14, 1971 - 3:00 o'clock

Regular Meeting

Present: Mayor Richard A. Wood, Jr., presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Henry E. Colton, Ralph D. Morris, Jr. Ruben J. Dailey, J. W. Hoyle, City Manager Phin. Horton III, Corporation Counsel Robert J. Robinson, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of October 7, 1971.

Upon motion of Councilman Hoyle, seconded by Councilman Ochsenreiter, the minutes were approved as submitted.

ORDINANCE NO. 714 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 22 BAXTER ALLEY, 21 BAY STREET, 55 AND 61 CIRCLE STREET, 25 CLEMMONS STREET, 53 ELIZABETH PLACE, 32 GIBBONS STREET, 208 HAYWOOD STREET, 27 JERSEY STREET, 7 KNOB STREET, 46 AND 52 MAX STREET, 247 PATTON AVENUE, 31 RIDGE STREET, 10 TUSKEEGEE STREET, AND 21 WEAVER STREET

2. Ordinance No. 714, an Ordinance directing the Housing Officer to demolish various sub-standard houses under the authority of Chapter 8 of the Code of Ordinances passed unanimously on its third and final reading.

A complete copy of the Ordinance will be found in Ordinance Book 5 Page 193.

RESOLUTION 71-128 - A RESOLUTION DIRECTING THE CITY CLERK TO PUBLISH NOTICE OF INTENTION TO FILE APPLICATION WITH LOCAL GOVERNMENT COMMISSION FOR ITS APPROVAL OF THE ISSUANCE OF $3,000,000 AUDITORIUM AND ARTS CENTER BONDS

3. Consideration was given to a resolution directing the City Clerk to publish notice of intention to file application with Local Government Commission for its approval of the issuance of $3,000,000 Auditorium and Arts Center Bonds.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall the resolution was unanimously adopted.

A complete copy of the Resolution will be found in Resolution Book 6 Page 128.

ZONING ORDINANCE - RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION REGARDING REZONING OF PROPERTY ON VICTORIA ROAD, OAKLAND AVENUE, LIVINGSTON STREET, AND ERSKINE STREET

4. Consideration was given to a recommendation from the Planning and Zoning Commission regarding rezoning of property on Victoria Road, Oakland Avenue, Livingston Street and Erskine Street.

The City Manager read the favorable recommendation of the Planning and Zoning Commission.

Upon motion of Councilman Colton, seconded by Councilman Hoyle it was moved that a date for a public hearing be advertised at the petitioners expense. This motion carried unanimously.

Mayor Wood instructed the City Clerk to advise the Planning Staff to notify all property owners concerned.

REZONING PETITION - PROPERTY AT 76 N. BEAR CREEK ROAD

11. Consideration was given to a petition to rezone the property of Lyle D. Ward at 76 N. Bear Creek Road from RA-6 Residential District to Commercial.

The City Manager read the petition.

Mayor Wood instructed the City Clerk to refer the petition to the Planning and Zoning Commission for study and recommendation.

REZONING PETITION - PROPERTY AT THE CORNER OF BEAR CREEK ROAD AND DEAVERVIEW ROAD

12. Consideration was given to a petition to rezone the property of N. Ellis Cannady, Jr. and James M. Dowtin at the corner of Bear Creek Road and Deaverview Road from RA-6 Residential District to Commercial.

Mayor Wood instructed the City Clerk to refer the petition to the Planning and Zoning Commission for study and recommendation.

Councilman Colton requested that the Planning and Zoning Commission consider the two petitions together and study the impact on the rest of the area.

DISCUSSION OF THE ASHEVILLE HIGH SCHOOL FOOTBALL GAMES AT MEMORIAL STADIUM.

A group of students representing the Advisory Committee of the Asheville High School, lead by Miss Morris, a teacher at the school, addressed the Council in regard to the fighting and disorderly conduct that took place at the football game on October 16th. They requested better fencing, clearing of brush around the outside perimeter, posting of signs prohibiting the drinking of alcohol and improved lighting in the parking lots. They were concerned that the football games would either be cancelled or changed to daytime games which would seriously curtail the gate receipts, thereby cutting the funds that support other sports activities at the school.

Mr. Ray Lamey told the Council that he attended the football game on October 16 and while he was in the rest room he was beaten by several persons. He asked that some action be taken to maintain law and order. He did not prefer that the time of the games be changed.

Mr. Tom Hornaday stated that he observed several incidents at the game and he appealed for more law enforcement.

Police Chief Hall when asked why the auxiliary police officers on the field were not assisting in maintaining order told the Council that these men were not covered under workmens compensation and were there to control traffic only. The City Manager requested the Council to consider an ordinance that would establish an Auxiliary Police System but no action was taken by Council on his recommendation.

Regarding the request for more fencing and lighting, the City Manager informed the Council that he recognized the need for both. He said that with the use of contingency funds he could improve both the fencing and the lighting.

Councilman Colton moved that the City Manager, working with the Chief of Police and the Director of Parks and Recreation, be authorized to expend contingency funds on an emergency basis to erect additional fencing and improve the lighting at Memorial Stadium. This motion was seconded by Councilman Morris and was unanimously adopted.

BIDS - PRINTING OF THE SECOND ACTION YEAR PLAN FOR THE MODEL CITIES AGENCY

8. Consideration was given to bids received on October 4, 1971 for the printing of the Model Cities Demonstration Agency Second Action Year Plan.

The City Manager advised that after due advertisement that bids had been received as follows:

Item 1 - Printing 322 copies, 500 pages each MCA Second Action Year Plan in accordance with specifications - 50 copies - Hard Back (3-ring binders) 272 copies - Paper Back (Chicago Screw binding)

2 - Alt.Bid Item 1.A (Addendum 1) - Same as Item 1, except: Print and furnish all copies in 3-ring Hard Back Binders (500 pages per book copy)

3 -(Bid Items 1 & 1.A based on 500 pages per book) - Allowance for price adjustment on per page basis for more or less than 500 pages per book.

Bidders	Item 1	2	3	Delivery Date
Gilbert Printing Co.,Inc.	$4,004.00	$4,167.28	$7.50	35 days
Groves Printing Co.,Inc.	4,432.36	4,910.86	4.95	10 days
Allied Publishers, Inc.	3,242.72	3,242.72	6.25	10 days

The City Manager read a memorandum from the Purchasing Agent recommending the low bid. The City Manager concurred in this recommendation.

Councilman Morris moved that the low bid of Allied Publishers, Inc. be accepted. This motion was seconded by Councilman Dailey and passed unanimously.

RECOMMENDATION FROM THE MODEL CITIES COMMISSION REGARDING LAND USE PLAN

9. Consideration was given to a recommendation from the Model Cities Commission for a land use policy for the Model Neighborhood Area.

The City Manager read the resolution passed by the Model Cities Commission and also read the major items contained in a policy statement submitted with the resolution.

Mr. Delany, when asked by Mayor Wood to translate the purpose of the policy explained that at the present time there did not exist a definite policy for the development of the area and he felt that one was necessary. He agreed that there could be some conflict between this policy and the Zoning Ordinance.

Councilman Morris moved that the plan be submitted to the Planning and Zoning Commission for their review and recommendation. This motion was seconded by Councilman Ochsenreiter and passed unanimously.

FACILITIES MAINTENANCE AND ON-THE-JOB TRAINING PROJECT OF THE MODEL CITIES PROGRAM

10. Consideration was given to a resolution extending the agreement for the operation of the Facilities and On-The-Job Training Project of the Model Cities Program.

No formal action was taken.

Thursday, October 21, 1971 - 3:00 o'clock

Regular Meeting

Present: Mayor Richard A. Wood, Jr., presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Henry E. Colton, Ralph D. Morris, Jr. Ruben J. Dailey, J. W. Hoyle, City Manager Phin. Horton III, Corporation Counsel Robert J. Robinson, Assistant City Manager/City Clerk William P. Wolcott, Jr.

Absent: None

1. Approval of minutes of October 14, 1971 meeting.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, the minutes were approved as submitted.

ORDINANCE NO. 715 - ORDINANCE AUTHORIZING $3,000,000 AUDITORIUM AND ARTS CENTER BONDS

2. Consideration of an ordinance authorizing $3,000,000 Auditorium and Arts Center Bonds to take effect only when approved by the voters of the City.

Councilman Dailey introduced in written form the following ordinance authorizing bonds which was read:

ORDINANCE AUTHORIZING
$3,000,000 AUDITORIUM AND ARTS CENTER BONDS

BE IT ORDAINED by the Council of the City of Asheville:

Section 1. That, pursuant to The Municipal Finance Act, 1921, as amended, The City of Asheville, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Auditorium and Arts Center Bonds in an aggregate principal amount not exceeding $3,000,000 for the purpose of providing funds, with the proceeds of $5,300,000 Auditorium and Arts Center Bonds representing a consolidation of $4,000,000 Auditorium Bonds and $1,300,000 Civic Arts Center Bonds which were approved at the special bond election held on December 5, 1967 and with any other available funds, for erecting and constructing the Asheville Civic Center complex and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment and the relocation and installation of utility lines.

Section 2. That a tax sufficient to pay the principal of and the interest on said bonds shall be annually levied and collected.

Section 3. That a statement of the debt of the City has been filed with the Clerk and is open to public inspection.

Section 4. That this ordinance shall take effect when approved by the voters of the City at an election as provided in said Act.

Richard A. Wood, Jr.
Mayor

William P. Wolcott, Jr.
City Clerk

Approved as to form:

Corporation Counsel

Mayor Wood then appointed Councilmen Hoyle, Ochsenreiter and Bailey as an ad hoc committee to work with the City Manager, Chief of Police, Parks and Recreation Director and school authorities to do whatever is possible to prevent more disorders.

R. L. COLEMAN REQUEST- AMENDMENT TO ASHEVILLE MALL SITE PLAN

R. L. Coleman, Jr. presented a letter to Council requesting an amendment to the original group development plan of the Asheville Mall.

Mayor Wood instructed the City Clerk to refer the plan to the Planning and Zoning Commission for study and recommendation.

PROCLAMATION - WORTHWHILE ENTERTAINMENT WEEK

In conjunction with the Commissioners of Buncombe County, Mayor Wood proclaimed the week of October 17 through October 23, 1971 as "Support Worthwhile Entertainment Week".

Richard A. Wood, Jr.
MAYOR

Marian S. Metcalf
CITY CLERK

CITY OF ASHEVILLE, NORTH CAROLINA

STATEMENT OF DEBT AND ASSESSED VALUATION MADE PURSUANT TO THE MUNICIPAL FINANCE ACT, 1921, AS AMENDED.

I, Ernest J. Ward, Director of Finance of the City of Asheville, North Carolina, having been designated by the Council of said City to make and file with the City Clerk a statement of said City pursuant the The Municipal Finance Act, 1921, as amended, DO HEREBY CERTIFY that the following is a true statement as shown by the books in my office, not taking into consideration any debt incurred or to be incurred in anticipation of the collection of taxes or in anticipation of the sale of bonds other than funding and refunding bonds:

(a) GROSS DEBT

a(1)	Outstanding debt, not evidenced by bonds			None
a(2)	Outstanding bonded debt:			
	Date of Issue	Designation		
	July 1, 1936	General Refunding	$ 6,449,224.95	
	July 1, 1936	Water Refunding	2,216,545.97	
	December 1, 1951	Water Bonds of 1951	1,585,000.00	
	December 1, 1951	Airport Bonds	320,000.00	
	November 1, 1961	Water Bonds of 1961	3,510,000.00	
	June 1, 1964	Grade Separation Bonds	140,000.00	
	June 1, 1964	Public Improvement Bonds	365,000.00	
	November 1, 1969	Municipal Vehicle Bonds	600,000.00	
	June 1, 1971	Auditorium and Arts Center Bonds	5,300,000	
		Assumed Water and Sewer District Debt	261,447.91	
	May 1, 1970	Urban Redevelopment	1,400,000.00	$22,102,218.83
a(3)	Bonded debt to be incurred under ordinances passed or introduced: Auditorium and Arts Center Bonds			$ 3,000,000
(a)	GROSS DEBT, being the sum of a(1), a(2) and a(3)			$ 25,102,218.83

(b) DEDUCTIONS

b(1)	Unissued funding or refunding bonds, included in gross debt	None
b(2)	Sinking funds or other funds held for the payment of any part of the gross debt other than debt incurred for schools, water, gas, electric light or power purposes or two or more of said purposes	$ 3,897,000.00

Thereupon, upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, the ordinance entitled: "ORDINANCE AUTHORIZING $3,000,000 AUDITORIUM AND ARTS CENTER BONDS" as hereinabove set forth, passed upon its first reading by the following vote:

Yeas: Councilmen Ochsenreiter, Colton, Morris, Vice-Mayor Marshall, Councilman Dailey, Hoyle and Mayor Wood.

Nays: None

RESOLUTION NO. 71-133 - RESOLUTION DESIGNATING THE DIRECTOR OF FINANCE TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT AND ASSESSED VALUATION.

Thereupon Councilman Colton introduced in written form the following resolution which was read:

RESOLUTION DESIGNATING THE DIRECTOR OF
FINANCE TO PREPARE AND FILE THE SWORN
STATEMENT OF DEBT AND ASSESSED VALUATION

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the Director of Finance be and he is hereby designated as the officer who shall prepare and file with the City Clerk the sworn statement of the indebtedness and assessed valuation of the City of Asheville which The Municipal Finance Act, 1921, as amended, requires to be filed after the introduction and before the passage of bond ordinances.

Section 2. That this resolution, being a resolution directing administrative action, shall take effect immediately.

_____
Mayor

_____
City Clerk

Approved as to form:

_____
Corporation Counsel

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, the foregoing resolution entitled: " RESOLUTION DESIGNATING THE DIRECTOR OF FINANCE TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT AND ASSESSED VALUATION" was passed by the following vote:

Yeas: Councilmen Ochsenreiter, Colton, Morris, Dailey, Hoyle, Vice-Mayor Marshall and Mayor Wood.

Nays: None

Thereupon the Director of Finance filed with the City Clerk, in the presence of the Council, the statement of indebtedness and assessed valuation as so required, which statement is attached to and made a part of these minutes.

STATE OF NORTH CAROLINA)
) ss
COUNTY OF BUNCOMBE)

Subscribed and sworn to before me this 21st day of October, 1971.

Mildred S. Heatherly
Notary Public

My commission expires April 21, 1976 .

I, William F. Wolcott, Jr., City Clerk of the City of Asheville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of a statement which the Director of Finance filed with me as City Clerk at a meeting of the Council of said City on October 21, 1971, after the introduction and before the passage of an ordinance authorizing bonds of said City, and that said statement is open to public inspection in my office.

WITNESS my hand and the corporate seal of said City, this 21 day of October, 1971.

William F. Wolcott, Jr.
City Clerk of the City of Asheville,
North Carolina

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS DISPENSED WITH

Thereupon, upon motion of Councilman-Vice-Mayor Marshall, seconded by Councilman Hoyle, the requirement of the Charter that ordinances be read on three separate days was dispensed with by the following vote, being not less than two-thirds of the members of the Council:

Yeas: Councilmen Ochsenreiter, Colton, Morris, Vice-Mayor Marshall, Councilman Dailey, Hoyle and Mayor Wood.

Nays: None

ORDINANCE NO. 715 - $3,000,000 AUDITORIUM AND ARTS CENTER BONDS

Thereupon , upon motion of Councilman Morris, seconded by Councilman-Vice-Mayor Marshall, the ordinance entitled: " ORDINANCE AUTHORIZING $3,000,000 AUDITORIUM AND ARTS CENTER BONDS", as hereinabove set forth, was read a second time and was passed upon its second reading by the following vote:

Yeas: Councilman Ochsenreiter, Colton, Morris, Vice-Mayor Marshall, Councilmen Dailey, Hoyle and Mayor Wood.

Nays: None

ORDINANCE NO. 715 - $3,000,000 AUDITORIUM AND ARTS CENTER BONDS

Thereupon, upon motion of Councilman Hoyle, seconded by Councilman Colton, the ordinance entitled "ORDINANCE AUTHORIZING $3,000,000 AUDITORIUM AND ARTS CENTER BONDS" as hereinabove set forth was read a third time and was passed upon its third and final reading by the following vote:

b(3)	Uncollected special assessments heretofore levied on account of local improvements for which any part of the gross debt was or is to be incurred, and which will be applied when collected to the payment of some part of the gross debt.....	None
b(4)	Special assessments (estimated by the City Engineer) to be levied on account of local improvements for which any part of the gross debt was or is to be incurred and which, when collected, will be applied to the payment of some part of the gross debt.....	None
b(5)	Bonded debt included in gross debt and incurred or to be incurred for water, gas, electric light or power purposes or two or more of said purposes...	$ 7,311,545.97
b(6)	The amount which the City will be entitled to receive from any railroad or street railway company under contract heretofore made for payment by such company of all or a portion of the cost of eliminating a grade crossing or crossings within the City which amount will be applied, when received, to the payment of some part of the gross debt.....	None
b(7)	Indebtedness included in gross debt and incurred for school purposes.....	$.....
(b)	DEDUCTIONS, being the sume of b(1), b(2), b(3), b(4), b(5), b(6) and b(7).....	$ 11,208,545.97

(c) NET DEBT

(c)	NET DEBT, being the difference between the GROSS DEBT (a) and the DEDUCTIONS (b).....	$ 13,893,672.86

(d) ASSESSED VALUATION

(d)	ASSESSED VALUATION of property as last fixed for municipal taxation, being the valuation fixed in 1970.....	$ 308,117,133.00

(e) DEBT RATION

(e)	Percentage which the net debt bears to said assessed valuation	4.5092 %

The foregoing statement is true.

Ernest J. Ward
Director of Finance of the City of Asheville, North Carolina

said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Auditorium and Arts Center Bonds in an aggregate principal amount not exceeding $3,000,000 for the purpose of providing funds, with the proceeds of $5,300,000 Auditorium and Arts Center Bonds representing a consolidation of $4,000,000 Auditorium Bonds and $1,300,000 Civic Arts Center Bonds which were approved at the special bond election held on December 5, 1967 and with any other available funds, for erecting and constructing the Asheville Civic Center complex and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment and the relocation and installation of utility lines, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

The question hereinabove set forth contains a statement of the purpose for which the bonds are authorized by the ordinance referred to in such question.

If said bonds are issued a tax will be levied upon all taxable property in the City of Asheville for the payment of the principal of and the interest on said bonds.

For said election the regular registration books for elections in the County of Buncombe will be used and the registration books, process or records will continue to be open for the registration of voters and the acceptance of registration applications between 9:00 A.M. and 4:30 P.M. (except on Saturdays and Sundays), at the office of the County Board of Elections at the County Courthouse in Asheville.

The registrars will not attend the voting places except on the date of the election.

The registration books will be open to public inspection by any voter of the City, between 9:00 A.M. and 4:30 P.M. on Tuesday, November 16, 1971 and on each Tuesday thereafter prior to the election in the office of the County Board of Elections at the County Courthouse in Asheville, and each such Tuesday is Challenge Day.

Qualified voters who have moved residence from one precinct or township to another and have not transferred their registration should contact the County Board of Elections at its office in the County Courthouse in Asheville and transfer their registration.

The last day on which qualified voters who have moved their residence from one precinct to another may transfer registration is Friday, November 12, 1971.

The last day for the registration of those not now registered under Buncombe County's Permanent Registration System is Friday, November 12, 1971.

Qualified voters who are not certain whether they are registered should contact the County Board of Elections at the office of said Board in Asheville mentioned above.

Yeas: Councilmen Ochsenreiter, Colton, Morris, Vice-Mayor Marshall, Councilmen Dailey, Hoyle and Mayor Wood.

Nays: None

Thereupon, the ordinance entitled: "ORDINANCE AUTHORIZING $3,000,000 AUDITORIUM AND ARTS CENTER BONDS" and the resolution entitled: "RESOLUTION DESIGNATING THE DIRECTOR OF FINANCE TO PREPARE AND FILE THE SWORN STATEMTN OF DEBT AND ASSESSED VALUATION" were authenticated by the signatures of the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said ordinance and said resolution his approval of the forms thereof.

CITY CLERK TO PUBLISH ORDINANCE

Thereupon, upon motion made by Councilman Morris, seconded by Councilman-Vice-Mayor Marshall, and adopted, the City Clerk was directed to publish the ordinance entitled "ORDINANCE AUTHORIZING $3,000,000 AUDITORIUM AND ARTS CENTER BONDS" in The Asheville Times , once in each of two successive weeks, and to publish at the foot of said ordinance the appended note as required by The Municipal Finance Act,1921, as amended.

RESOLUTION NO. 71-132 - RESOLUTION CALLING A SPECIAL BOND ELECTION

Thereupon Councilman Colton introduced the following resolution which was read:

RESOLUTION CALLING A SPECIAL BOND ELECTION

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. A special bond election is hereby called to be held on Tuesday, December 14, 1971, between 6:30 A. M. 7:30 P.M., at which there shall be submitted to the qualified voters of the City of Asheville the question stated in the notice of election set forth in Section 3 of this resolution.

Section 2. For said election the regular registration books for elections in Buncombe County shall be used, and the registration books, process or records shall be open for the registration of voters and for public inspection in the manner and under the conditions and at the times and places set forth in the Notice of Special Bond Election hereinafter provided for. For said election the registrars and judges appointed by the Municipal Board of Elections shall act as registrars and judges, respectively.

Section 3. Notice of said election shall be published in The Asheville Times, once at least 30 days before the date of the election, and again not later than 20 days before the election, reading substantially as follows:

NOTICE OF SPECIAL BOND ELECTION
in the
CITY OF ASHEVILLE, NORTH CAROLINA

A special bond election will be held between 6:30 A.M. and 7:30 P.M., Tuesday, December 14, 1971, at which there will be submitted to the qualified voters of the City of Asheville the following question:

Shall an ordinance passed on October 21, 1971, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which

YES	NO	Shall an ordinance passed on October 21, 1971, authorizing the City of Asheville North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Auditorium and Arts Center Bonds in an aggregate principal amount not exceeding $3,000,000 for the purpose of providing funds, with the proceeds of $5,300,000 Auditorium and Arts Center Bonds representing a consolidation of $4,000,000 Auditorium Bonds and $1,300,000 Civic Arts Center Bonds which were approved at the special bond election held on December 5, 1967 and with any other available funds, for erecting and constructing the Asheville Civic Center complex and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment and the relocation and installation of utility lines, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?
SPECIAL BOND ELECTION		
TUESDAY		
December 14, 1971		

Section 5. The Municipal Board of Elections is hereby authorized and directed to perform all of the duties necessary for the calling and holding of said special bond election.

Section 6. The City Clerk is hereby directed to certify immediately a copy of this resolution to said Municipal Board of Elections.

Section 7. This resolution, being a resolution directing administrative action, shall take effect immediately.

_____
Mayor

_____
City Clerk

Approved as to form:

_____
Corporation Counsel

Upon motion of Councilman-Vice-Mayor Marshall, seconded by Councilman Hoyle, the foregoing resolution entitled: "RESOLUTION CALLING A SPECIAL BOND ELECTION" was passed by the following vote:

Yeas: Councilmen Ochsenreiter, Colton, Morris, Vice-Mayor Marshall, Councilmen Dailey, Hoyle and Mayor Wood.

Nays: None

The registrars and judges appointed by the Municipal Board of Elections will act as registrars and judges, respectively. The precincts, the voting places, and the names of the registrars and judges are as follows:

PRECINCT	VOTING PLACE	REGISTRAR	JUDGES
First	Court House	Mrs. Juanita Hennessee	Mr. John Ingle Mrs. Frances Street
Second	William Randolph School	Mr. John H. Hall	Mrs. Lynnette Jefferson Mrs. Reva Redmon
Third	Claxton School	Mrs. Cecil Earp	Mrs. M. H. Saunders Mrs. Jane Hendry
Fourth	North Asheville Community Center	Mrs. Nancy Price	Mrs. L.E. Addington Mrs. Marjorie Carriker
Fifth	Ira B. Jones School	Mrs. Mary Bathelor	Mrs. Charles Dermid Mrs. Helen Oates
Sixth	East Asheville Community Center	Mrs. John Hillyer	Mrs. Frank Farrell Mrs. John Tutt
Seventh	Newton School	Mrs. Charles M. Dent	Mr. Tom Posey Mr. Richard Runion
Eighth	Biltmore School	Mrs. Edith G. Shuford	Mr. Boyce Meece Mrs. Virginia Sudderth
Ninth	Murphy Community Center	Mrs. Ruth Kerley	Mrs. Jackie Maxwell Mr. Jack McGuinn
Tenth	Livingston Street School	Mr. Chester A. Hayes	Mrs. Florence Holloway Mr. Robert L.Black
Eleventh	South French Broad High School	Mrs. Daisy Glenn	Mr. Arthur Graham,Jr. Mrs. Corrie Harris
Twelfth	Hall Fletcher School	Mr. George Simpson	Mrs. Chas.E. Parker Mr.E.F. Ballinger
Thirteenth	Eugene Rankin School	Mrs. Doris H. Fisher	Mrs. Fairlee Taylor Mrs. Margie Hagan
Fourteenth	Aycock School	Mrs. Pauline Brinkley	Mr.R. H. Zimmerman Mrs. Beulah Mauldin
Fifteenth	Vance School	Mrs. Gwendolyn B. Hancock	Mr. Horace S. Smith Mrs. Agnes Crump
Sixteenth	West Asheville Fire Station	Mrs. Margaret Reid	Mrs. Betty Ann Shotwell Mr. William W. Boyd
Seventeenth	325 Charlotte Street	Mrs. Thersa R. Jones	Mrs. Evelyn Whitaker Mrs. Charlotte Saenger

By order of the Council of the City of Asheville, this 21st day of October, 1971.

WILLIAM F. WOLCOTT, JR.
City Clerk

Section 4. The form of the question to appear in the ballot frame of the voting machines which are to be used at said election shall be substantially as follows:

RESOLUTION NO.71-131 - A RESOLUTION AUTHORIZING SUBMISSION OF THE ASHEVILLE COMPREHENSIVE CITY DEMONSTRATION PROGRAM FOR THE SECOND ACTION YEAR, AS AMENDED.

8. Consideration was given to a resolution authorizing submission of the Asheville Comprehensive City Demonstration Program for the Second Action Year, as amended.

Mayor Wood reviewed the October 7th Council meeting in which Council deleted the Housing Corporation and Self-Defense funding from the program. He recalled that at this meeting a resolution was passed requesting the Model Cities Commission and the Model Cities Staff and Task Forces to rework the plan to cover these deletions. In response to this request he stated that he had received a letter from the Model Cities Commission in which they recommended no change in the original budget. Based on this recommendation and an informal discussion with Council, he said that he had asked the Corporation Counsel to prepare a resolution authorizing submission of the Asheville Comprehensive City Demonstration Program for the Second Action Year. He said the summary sheet would reflect the deletion of $150,000 for the Housing Corporation and also $40,257 from the proposed Self-Defense Program. The last sum to be reprogrammed to a recreation program to be devised by the City Parks and Recreation Department working with Model Cities Agency and Commission personnel to finalize a contract. The Mass Transit Program would be funded in the amount of $100,000, the Summer Program in the amount of $86,445 and the Inner City Challenge Program in the amount of $29,321.

Councilman Morris moved for the adoption of the resolution and Councilman Ochsenreiter seconded his motion.

In the discussion that followed Mrs. Johnson, Mrs. Knuckles, Mrs. Jackson, and Mrs. Simmons, all representing the Commission or the Physical Environment Task Force, urged the Council to reconsider the Housing Corporation deletion and presented several petitions from the Model Cities Neighborhood Residents emphasizing their concern.

Mr. Joe Walker, representing the Crime and Delinquency Task Force also appealed to Council to reinstate the Self Defense Program.

Councilman Morris then moved to amend the resolution by reducing the Mass Transit Program to $80,000 and the Summer Program to $56,445, thus funding a Housing study and Prototype Study in the amount of $50,000. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Mayor Wood asked for a vote on the resolution as amended and it was unanimously adopted.

RAY KISIAH - APPOINTMENT AS DIRECTOR OF PARKS AND RECREATION

The City Manager announced to Council his appointment of Ray Kisiah as Director of Parks and Recreation to replace Miss Augusta Barnett who is retiring. He said that Mr. Kisiah would begin work on Monday, October 25, 1971.

PROCLAMATION - "CLEAN AIR WEEK"

In conjunction with the Buncombe County Commissioners, Mayor Wood proclaimed the week of October 24 through October 30, 1971 as "Clean Air Week".

Thereupn the resolution entitled: "RESOLUTION CALLING A SPECIAL BOND ELECTION" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

RESOLUTION NO. 71-129 - A RESOLUTION CONCERNING THE SELECTION OF AN ARCHITECTURAL FIRM FOR THE DEVELOPMENT OF THE NEIGHBORHOOD FACILITIES GRANT APPLICATION FOR THE MODEL CITIES PROGRAM

5. Consideration was given to a resolution concerning the selection of an architectural firm for the development of the Neighborhood Facilities Grant Application for the Model Cities Program.

The City Manager read the resolution and upon motion of Councilman Dailey, seconded by Vice-Mayor Marshall the resolution was unanimously adopted.

RESOLUTION NO. 71-130 - A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A WRITTEN AMENDMENT EXTENDING A CONTRACT BETWEEN THE CITY AND HANDI-SKILLS INC., FOR THE OPERATION OF THE FACILITIES MAINTENANCE AND ON-THE-JOB TRAINING PROJECT OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM

6. Consideration was given to a resolution authorizing the Mayor to execute a written amendment extending a contract between the City and Handi-Skills Inc., for the operation of the Facilities Maintenance and On-the-Job Training Project of the Comprehensive Demonstration Program.

Upon motion of Councilman Morris, seconded by Councilman Colton the resolution was unanimously adopted.

AVON DEVELOPMENT CORPORATION
GROUP DEVELOPMENT

7. Consideration was given to the request of Avon Development Corporation that the original site plan be approved.

Mr. Kmecza, Director of Planning, read the favorable recommendation of the Planning and Zoning Commission. He further stated that there was no purpose in resubmitting the plan back to the Planning and Zoning Commission as the changes were only minor.

Mr. Fred Pearlman appeared in behalf of Avon Development Corporation snd explained that since receiving approval of an amended plan, circumstances had changed and that they were now in a position to develop the entire property or the original plan. He further explained that time was of the utmost importance and that any unnecessary delays would bring forth a revision in the plan.

Councilman Colton requested a legal opinion from the Corporation Counsel and was advised that in his opinion Council could proceed to public hearing. Councilman Colton then asked Mr. Pearlman if he was satisfied to proceed as was proposed and he answered in the affirmative.

Councilman Ochsenreiter then moved that a date be set for public hearing and that the advertisement be at the petitioners expense. This motion was seconded by Councilman Hoyle and was unanimously adopted.

Thursday, October 28, 1971 - 3:00 o'clock

Regular Meeting

Present: Mayor Richard A. Wood, Jr., presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Henry E. Colton, Ralph D. Morris, Jr., Ruben J. Dailey, J. W. Hoyle, City Manager Phin. Horton III, Corporation Counsel Robert J. Robinson, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of October 21, 1971 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Dailey the minutes were approved as submitted.

RESOLUTION NO. 71-134 A RESOLUTION AUTHORIZING THE MAYOR AND THE CITY CLERK TO ENTER INTO A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION FOR RIGHT OF WAY COSTS FOR THE WEST ASHEVILLE BRIDGE PROJECT (W.O. 6.801872)

2. Consideration was given to a resolution authorizing the Mayor and the City Clerk to enter into a Municipal Agreement with the North Carolina State Highway Commission for right of way costs for the West Asheville Bridge Project (W.O. 6.801872).

The City Manager read the resolution.

The resolution was then introduced by Councilman Colton and a motion was made by Councilman Morris for its adoption; this motion was seconded by Vice-Mayor Marshall and upon being put to a vote it was carried unanimously.

A complete copy of the Resolution will be found in Resolution Book 6 Page 136.

SURBURBAN COACH LINES (LAWRENCE C. STOKER)

3. Consideration was given to a resolution directing Surburban Coach Lines (Lawrence C. Stoker) to follow certain described routes while operating from the City of Asheville to Weaverville and return.

The resolution to be considered was requested by the Asheville Transit Authority. Mr. William Moore, Attorney for the Authority appeared before Council and requested that they defer any action on the resolution until such time as he could consult with Surburban Coach Lines. Mayor Wood agreed to this request and no action was taken.

HICKORY TREE ROAD- LOW PRESSURE AND INADEQUATE WATER CONDITIONS

4. The City Manager read a report to Council from R. R. Buirgy, Water Engineer, concerning the low pressure and inadequate water supply to the Hickory Tree Road area.

The report stated that the Water Department was making every effort to improve the conditions in this area. Some 570 feet of 2" lines has already been installed and further extensions are planned. If this does not improve the service the extension of a 6" main will be necessary. The City Manager explained that this was a capital outlay item that could not be handled under the present budget and this latter improvement would have to be deferred until such time as it could be budgeted.

INADEQUATE WATER - LOW PRESSURE COMPLAINT- HICKORY TREE ROAD

Mrs. Gladys Duncan and Mrs. Clarence Autrey, residents of Hickory Tree Road appealed to Council to correct the low pressure and inadequate water situation in their area. Mayor Wood asked the City Manager to investigate the complaint and report back to Council at the next meeting.

HOUSING STATEMENT - MAYOR WOOD

Mayor Wood speaking for the Council stated that anyone who believed that they were not interested and concerned with housing had not taken the opportunity to find out how the members of Council feel. He further stated that Council did not feel that the proposal requested by the Model Cities Agency would meet the needs of the people.

STATEMENT BY LOGAN DELANY

Logan Delany, Director of the Model Cities Agency, addressed Council and said he would like to publicly make his position clear. He wanted them to know that he felt there was a need for housing in the Model Cities Area and that he supported the effort to secure this housing. At this time he was not sure of the best approach to a solution.

Adjournment.

Richard D Wood Jr
MAYOR

William D. McCarthy
CITY CLERK

Thursday, November 4, 1971 - 3:00 o'clock

Regular Meeting

Present: Mayor Richard A. Wood, Jr., presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, Ralph D. Morris, Jr., Ruben J. Dailey, J. W. Hoyle, City Manager Phin. Horton III, Corporation Counsel Robert J. Robinson, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Eugene C. Ochsenreiter

1. Approval of minutes of October 28, 1971 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Morris the minutes were approved as submitted.

ORDINANCE NO. 716 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Oakland Avenue, Victoria Road, Livingston Street, Erskine Street).

2. Public hearing was held to consider an ordinance rezoning certain property in the Victoria Road, Oakland Avenue, Livingston Street, Erskine Street area.

Mayor Wood opened the public hearing at 3:02 o'clock P. M.

The City Manager read the published affidavit and the favorable recommendation of the Planning and Zoning Commission.

Lacy T. Haith spoke to Council and informed them that he was interested in the Oakland Avenue section of the rezoning. He asked that Council give this area every consideration so that it would be protected as a residential area.

Mrs. Lillie Moultrie spoke in the interest of protecting the community. She did not specifically object to the present request for rezoning.

Mayor Wood closed the hearing at 3:23 o'clock P. M.

The City Manager read the complete ordinance.

Upon motion of Councilman Morris, seconded by Councilman Colton, Ordinance No. 716 passed unanimously, on the first reading.

ORDINANCE NO. 717 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Mimosa Drive)

3. A public hearing was held to consider an ordinance rezoning a piece of property on Mimosa Drive.

Mayor Wood opened the public hearing at 3:25 o'clock P. M.

The City Manager read the published affidavit and the report from the Planning and Zoning Commission which gave this request a negative recommendation.

The City Manager then informed the Council that Mr. Bullard, the property owner, had requested a continuance since he would be unable to attend the hearing. He cited the very critical health condition of his wife as his reason for being absent.

Councilman Hoyle's motion to reschedule the hearing until the week of November 11, 1971, without further advertising, was seconded by Councilman Dailey and carried unanimously.

PROCLAMATION - NATIONAL RETARDED CHILDREN'S MONTH

Mayor Wood proclaimed the month of November as "National Retarded Children's Month".

AREA COUNCIL MEETINGS SCHEDULED

Mayor Wood announced that a series of evening Council meetings was being scheduled for various sections of the City. The first such meeting to be held November 18, 1971 at 7:30 P. M. in the Aycock Elementary School in West Asheville. On December 2, 1971, a similar meeting will be held in the Murphy Community Center in the Oakley section. In January the meeting will be in the East Asheville Community Center; February meeting in the Livingston Street Elementary School and the March meeting in the North Asheville Community Center. More specific dates for the January, February and March meetings will be announced at a later date.

Mayor Wood instructed the City Clerk not to schedule public hearings to conflict with the dates already announced.

RESOLUTION NO. 71- 135 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BEVERLY-GRANT, INC. CONCERNING A WATER MAIN ALONG A 60-FOOT EASEMENT SHOWN ON RECORDED PLAT ON PAGE 115, PLAT BOOK 39, BUNCOMBE COUNTY REGISTRY, EXTENDING WESTERLY FROM U. S. HIGHWAY 25 TO SERVE PHASE I OF CROWFIELDS CONDOMINIUMS, LIMESTONE TOWNSHIP.

The City Manager read the above resolution and explained to Council that the terms of the agreement met all the requirements of the policy of the Water Department presently in effect.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Colton the resolution was unanimously adopted.

Mayor Wood did not vote on the resolution and stated that due to conflict of interest he was asking Vice-Mayor Marshall to execute the agreement in his place.

ELIZABETH PLACE- PETITION AND COMPLAINT

Mrs. Irene Foster of 67 Elizabeth Place presented Council with a petition signed by residents of this area requesting an investigation of the condition of the creek which runs in the rear of their property. She complainted of the rats and trash and general health hazard caused by the accumulation of trash in the creek.

Mayor Wood thanked her for bringing it to their attention and instructed that the petition be taken under consideration by the appropriate officials and a report be made back to council.

Adjournment.

Richard D. Wood, Jr.
MAYOR

Virginia D. Metcalf
CITY CLERK

In the discussion that followed, Councilman Morris suggested that a study be made of the traffic problem by the appropriate departments to determine if the traffic problem is of sufficient proportion to deny the approval on the grounds of public safety.

Vice-Mayor Marshall asked the City Manager how long Council could defer action and he was advised that he did not know of any specific time limit but that an indefinite delay might result in a court action.

Councilman Morris moved to defer action until the Corporation Counsel could make an investigation of the legal questions and report back to Council. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Mayor Wood requested the Corporation Counsel to study the question and to furnish Council with a legal opinion at the next meeting.

BILLIARD HALL LICENSE ON PACK SQUARE FOR PARKS BROWN BANKS

5. Consideration was given to an application of Parks Brown Banks for a license to operate a billiard hall at 11 S. W. Pack Square.

The City Manager read the application and also read the favorable report from the Police, Fire, Health and Building Inspectors Departments. The reports referred to several renovations necessary before the issuance of the Certificate of Occupancy.

Councilman Hoyle moved for approval of the license provided the recommendations were met. Councilman Dailey seconded the motion and it carried unanimously.

CITY MANAGER'S REPORT ON CREEK IN REAR OF ELIZABETH PLACE

The City Manager read a report from Mr. Kilpatrick and Mr. Johnson of the Building Inspector's office, regarding the condition of a creek in the rear of Elizabeth Place. The report disclosed that certain portions of the creek are obstructed by trash and that trash and rubbish lies along the banks. All the property except about 150 feet was privately owned. It was recommended that a special trash pick-up be scheduled and that the property owners be notified of this schedule so that they could place the rubbish for collection. The City to assist in handling of the heavy materials.

BUS SHELTERS - PACK SQUARE AND PRITCHARD PARK

Council heard a request from Mr. Robert McKay of 8 Garden Terrace that bus shelters be placed on the north side of Pritchard Park and in the vicinity of the bus stop on Pack Square.

Mayor Wood assured him that the appropriate city officials would look into his suggestion.

ASHEVILLE BUNCOMBE COUNTY YOUTH COUNCIL - CITY DAY

Mayor Wood welcomed the members of the Asheville Buncombe County Youth Council waiting in the audience to climax their annual "City Day" by taking over the regular Mayor and Councilman seats for their own City Council meeting. He recessed the regular meeting and the Youth Council took their seats.

Their agenda included consideration of resolutions urging passage of the $3 million dollar bond issue and encouraging support for a campaign to register 18 year old voters. Both resolutions passed.

At the conclusion of their meeting, Mayor Wood adjourned the regular meeting.

Miriam J. Millett
CITY CLERK

MAYOR

Mayor Wood declared the public hearing continued until November 11, 1971, and directed that at that time, the matter be placed first on the agenda.

PUBLIC HEARING - C. HENRY McCLAIN GROUP DEVELOPMENT ON SHELBURNE ROAD

4. Public hearing was held to consider the group development of C. Henry McClain on Shelburne Road.

Mayor Wood opened the public hearing at 3:35 o'clock P. M.

The City Manager read the published affidavit and cited several petitions that had been received from residents in the area, as well as a letter from the West Asheville Businessmen's Association, all of which opposed the development. The City Manager also noted that he had received a letter from Mr. McClain in which he explained his plans to construct a high type apartment complex.

Alan Lang, a staff member of the Planning Department, read the favorable recommendation of the Planning and Zoning Commission.

Mr. Gary Sluder, attorney for Mr. McClain, outlined to Council the type and size of the apartment units, that they would be completely carpeted and that all appliances would be furnished. He said it was the intention of his client to build a luxury type complex that would rent in the range of $150 to $175 per month. He stated that before acquiring the property and planning the project, Mr. McClain made certain that he could comply with all zoning regulations, and at this time his plans met all these requirements.

Mr. Shelby Horton, attorney for the Shelburne Road residents, spoke in opposition to the approval of the plan. He said that the residents of this area were concerned with the traffic conditions on Shelburne Road and the addition of an apartment complex would create an even greater problem. He cited a traffic count taken October 20, 1971 as indicating 1,974 vehicles traveling the street in a 24 hour period. He also presented photos showing the narrow condition of Shelburne Road.

Mr. Horton then called on Mr. Norman Anderson, Mrs. Nora Morgan, Mrs. B. H. Corpening, Mrs. Norman Anderson and Dr. J. L. Innes to address the Council and each voiced their opposition, giving the traffic and public safety as their primary objection. They also cited the likelihood of decreased property values if the project were built.

Mr. Robert Groce, a non-resident of the area, spoke in opposition.

Mr. Luke Atkinson speaking in opposition said he was sure Mr. McClain's intentions were good but he thought Council should consider the feelings of the neighborhood.

Mayor Wood asked Alan Lang of the Planning Staff if the Planning and Zoning Commission could consider traffic and safety in making their recommendation. Mr. Lang stated that they did not have jurisdiction in this area.

Mayor Wood then asked the Corporation Counsel to advise Council as to the legal aspects open to them. Mr. Robinson advised that in accordance with the Zoning Ordinance all requirements had been met, and that in the interest of safety, health and public convenience would be the only grounds for Council to turn down the request.

Councilman Colton then moved for the approval of the site plan, this motion was seconded by Councilman Dailey.

PUBLIC HEARING - SITE PLAN OF AVON DEVELOPMENT CORPORATION AND McCRORY-SUMWALT CONSTRUCTION COMPANY - MERRIMON AVENUE

3. Public hearing was held to consider the approval of the original site plan of Avon Development Corporation and McCrory-Sumwalt Construction Company on Merrimon Avenue.

Mayor Wood opened the public hearing at 3:26 o'clock P. M.

The City Clerk read the published affidavit scheduling the public hearing and Alan Lang, of the Planning Staff, read the favorable recommendation of the Planning and Zoning Commission. He stated that their approval was subject to the following condition:

(1) That all curb cuts and access road into Merrimon Avenue be approved by the State Highway Commission.
(2) That access to the duplex behind the development be from Lakeshore Drive and not through the shopping center parking lot.

Mr. Hershel Harkins, attorney for the residents in the area, appeared and asked for a clarification of which plan was being approved. Mr. Pearlman, one of the owners, described the original plan and Mr. Harkins said he was satisfied.

Mayor Wood closed the public hearing at 3:35 o'clock P. M.

Councilman Ochsenreiter moved that the site plan be approved. Councilman Morris seconded the motion and it was unanimously adopted.

C.HENRY McCLAIN SITE PLAN - SHELBURNE ROAD.
REPORT OF CORPORATION COUNSEL, ROBERT J. ROBINSON

4. Further consideration was given to the approval of the site plan for the group development project of C. Henry McClain on Shelburne Road. Action on this subject was deferred from the November 4 meeting pending an investigation and a report of the legal questions by the Corporation Counsel.

Mayor Wood asked for the Corporation Counsel's opinion, which is referred to and made a part of these minutes as if fully set out herein. Mr. Robinson's opinion is that the petitioner "has met all legal requirements".

Mr. Shelby Horton, attorney for the opponents, and Mr. Gary Sluder, attorney for Mr. McClain, argued the legal aspects. Mr. Horton suggested that if Council approved the site plan it should be done only after steps had been taken to provide additional sidewalks and perhaps the widening of Shelburne Road.

Mr. Sluder stated that his client would be willing to donate sufficient right of way to construct a 6-foot sidewalk on their side of the road.

Councilman Colton had moved at the November 4 meeting to approve the plan and Councilman Dailey had seconded this motion. Both Councilmen Colton and Dailey accepted the amendment to their motion which incorporated the provision that the developer deed 6-feet of his frontage for sidewalk purposes.

The motion as amended was adopted unanimously.

Thursday, November 11, 1971 - 3:00 o'clock

Regular Meeting

Present: Mayor Richard A. Wood, Jr., presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Henry E. Colton, Ralph D. Morris, Jr., Ruben J. Dailey, J. W. Hoyle, Corporation Counsel Robert J. Robinson, Assistant City Manager/ City Clerk William P. Wolcott, Jr.

Absent: City Manager Phin. Horton III

1. Approval of minutes of November 4, 1971 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Morris the minutes were approved as submitted.

SENIOR CITIZENS WELCOMED TO COUNCIL MEETING

Mayor Wood welcomed a group of "Senior Citizens" to the Council meeting and recognized Mr. Fred Miller who introduced his fellow members.

CONTINUATION OF PUBLIC HEARING - REZONING OF PROPERTY AT 46-48-50 MIMOSA DRIVE

2. Mayor Wood declared the public hearing to consider the rezoning request of B. L. Bullard, to rezone the property at 46-48-50 Mimosa Drive from RA-6 Residential District to Neighborhood Trading Area back in session at 3:03 o'clock P. M.

Alan Lang, of the Planning Staff, read the negative recommendation of the Planning and Zoning Commission.

Mr. Bullard explained to Council that he had considerable investment in the property and that under the present zoning he could not use it and stood to lose considerable money. He said the building had been vacant since January, but that he had owned the property since 1946.

Mr. Lang, stated that the property was completely surrounded by streets and only contained 4200 square feet making it too small for commercial use. If it was rezoned to Neighborhood Trading Area the 35 foot setback requirements could not be met.

Mayor Wood closed the public hearing at 3:17 o'clock P. M.

It was moved by Vice Mayor Marshall, seconded by Councilman Hoyle that the ordinance be adopted.

Councilman Morris told Mr. Bullard that it was unfortunate that the property had such limited use but to pass the rezoning ordinance would restrict the use even more.

When Mr. Bullard asked if this was not a hardship case, he was advised that there were avenues of appeal that he could pursue.

Councilman Ochsenreiter requested that Mr. Johnson counsel with Mr. Bullard and advise him as to what action would be most advantageous to him.

Councilman Dailey moved to table the consideration of the ordinance, Vice-Mayor Marshall seconded the motion and it was unanimously adopted.

ZONING ORDINANCE - RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION REGARDING THE REZONING OF THE PROPERTY OF LYLE D. WARD, N. ELLIS CANNADY, JR., AND JAMES M. DOWTIN ON DEAVERVIEW ROAD AND BEAR CREEK ROAD

6. Consideration was given to a recommendation from the Planning and Zoning Commission regarding the rezoning of the property of Lyle D. Ward, N. Ellis Cannady, Jr. and James M. Dowtin on Deaverview Road and Bear Creek Road, from RA-6 Residential District to Commercial.

Alan Lang of the Planning Staff read the favorable recommendation of the Planning and Zoning Commission.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Morris it was moved that the notice of public hearing be advertised at the petitioners expense. At Mayor Wood's request the date was set for December 9, 1971. This motion carried unanimously.

In later action Councilman Ochsenreiter moved that the date for public hearing in the above matter be rescinded and that a new date of December 2, 1971 be substituted. This public hearing to be held at the Council meeting in the Murphy Community Center at 7:30 o'clock P. M.

This motion was seconded by Councilman Dailey and was unanimously adopted.

ZONING ORDINANCE - RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION REGARDING THE REZONING OF THE PROPERTY OF JAMES K. McRARY AND OTHERS ON CLINGMAN AVENUE, JEFFERSON AVENUE AND PARK AVENUE FROM RA-5 RESIDENTIAL DISTRICT TO INDUSTRIAL.

7. Consideration was given to a recommendation from the Planning and Zoning Commission regarding the rezoning of the property of James K. McRary and Others on Clingman Avenue, Jefferson Abenue and Park Avenue from RA-5 Residential District to Industrial.

Alan Lang of the Planning Staff read the favorable recommendation of the Planning and Zoning Commission.

Councilman Colton moved that a date for public hearing be advertised at the petitioners expense and that the public hearing be held at the Council meeting in the Murphy Community Center on December 2, 1971. This motion was seconded by Vice-Mayor Marshall, and carried unanimously.

ORDINANCE NO. 716- AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Victoria Road, Livingston Street, Erskine Street Area)

8. Mayor Wood called for a vote on the second reading of Ordinance No. 716, which passed unanimously.

RESOLUTION NO. 71-138- A RESOLUTION AMENDING RESOLUTION NO. 71-132 ADOPTED OCTOBER 14, 1971 ENTITLED: RESOLUTION CALLING A SPECIAL BOND ELECTION

Mayor Wood called to Councils attention that through an error in interpretation the previous bond resolution called for November 12, 1971 to be the last day of registration for the December 14, 1971 Bond Election.

He stated that the State Board of Elections had determined that November 15, 1971 should have been the cut off date and to correct this it would be necessary to pass a resolution amending the previous resolution.

Councilman Morris moved for the passage of the amending resolution. Councilman Hoyle seconded the motion and it was passed unanimously.

R. L. COLEMAN AND COMPANY REQUEST FOR CERTIFICATE OF OCCUPANCY FOR SEARS ROEBUCK AND COMPANY AND ALSO A REQUEST FOR THE ADVERTISING FOR A PUBLIC HEARING ON A REVISED GROUP DEVELOPMENT PLAN FOR THE ASHEVILLE MALL.

6. Consideration was given to R. L. Coleman and Company to a request for a temporary Certificate of Occupancy for the Sears Roebuck and Company building in the Asheville Mall.

Mr. R. L. Coleman, owner and developer of the Asheville Mall, presented a request to Council that a temporary Certificate of Occupancy be granted on the Sears Roebuck and Company building in order for Sears to fixture and stock the new building.

Councilman Colton said that he was present at the original approval of the site plan and it was specifically stated at that time that the Certificate of Occupancy would be with held until complete compliance was accomplished. He personally was opposed to a temporary certificate.

Mayor Wood asked Mr. Coleman what the situation would be if Sears moved in temporarily and the Planning and Zoning Commission did not approve the revisions. Mr. Coleman replied that he was sure all requirements could be met. He also stated that he was under $3,211,000 bond to Sears to meet all the zoning and building code requirements.

Councilman Morris asked why Sears was not represented and Mr. Coleman said that to acquire the Certificate of Occupancy was the responsibility of the contractor.

Mrs. John Willard, a resident of the area, opposed any revision to the original plan. She said her house was now at the bottom of a large fill and she was concerned for the safety of her children.

Councilman Dailey offered the motion that a temporary Certificate of Occupancy be granted, and Councilman Ochsenreiter seconded this motion.

Councilman Colton again spoke in opposition.

Mrs. Garland, a resident of White Pine Drive, also spoke in opposition to approval.

Councilman Morris stated that he felt that Sears Roebuck and Company should make formal application and be represented. He then moved to table the request until such time as Sears Roebuck and Company or their representative, authorized in writing, made application for the Certificate of Occupancy. Councilman Hoyle seconded the motion and the motion was carried by a voice vote of 5-1. Councilman Dailey voted "no" and Mayor Wood did not vote.

On Mr. Coleman's second request, Council discussed at length the legality of advertising for a public hearing in advance of a recommendation from the Planning and Zoning Commission.

Councilman Colton stated that under no circumstances did he want the Planning and Zoning Commission circumvented.

Councilman Morris moved that the public hearing be set for December 9, 1971, provided the Council receives the Planning and Zoning Commission's recommendation no later than December 2, 1971.

Councilman Ochsenreiter seconded this motion and it carried with a 5-1 vote with Councilman Colton voting "no" and Mayor Wood not voting.

RESOLUTION NO. 71-136 - A RESOLUTION ON THE RETIREMENT OF AUGUSTA L. BARNETT AS DIRECTOR OF PARKS AND RECREATION

Mayor Wood asked the City Clerk to read a resolution on the retirement of Augusta L. Barnett as Director of Parks and Recreation.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Colton the resolution was unanimously adopted.

RESOLUTION NO. 71-137 - A RESOLUTION APPOINTING ROBERT N. GRICE A MEMBER OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL

Mayor Wood asked the City Clerk to read a resolution appointing Robert N. Grice a member of the City of Asheville Board of Alcoholic Control.

Vice-Mayor Marshall moved the adoption of the resolution which was seconded by Councilman Hoyle.

Councilman Dailey stated that he opposed the appointment only because he felt Mr. Grice should not be wearing two hats. One as a member of the board and the other as the administrative director. He also said that it was his opinion that the board should be increased and a black member should be appointed.

Councilman Colton said he was not against the appointment of Mr. Grice but he did object to his serving as a member of the board and administrative director. He stated he would vote against the motion.

Councilman Colton then moved to table the motion and Councilman Dailey seconded the motion. The motion to table was defeated 4-2.

Mayor Wood asked for a vote on the resolution to reappoint Robert N. Grice to the Board of Alcoholic Control. The Resolution was adopted by a vote of 4-2 with Councilman Dailey and Councilman Colton voting "no" and Mayor Wood not voting.

APPOINTMENT OF A. Z. WHITT AND MISS GWENDOLYN FULLWOOD TO FILL VACANCIES ON MODEL CITIES COMMISSION.

Mayor Wood announced that he had appointed A. Z. Whitt and Miss Gwendolyn Fullwood to fill vacancies on the Model Cities Commission. Whitt will replace Mrs. Betty Smith who resigned as Precinct 4 Commissioner, and Miss Fullwood will replace Wayne Jackson who resigned as Youth Commissioner-at-large. Whitt and Miss Fullwood have been certified as having placed second in the Model Neighborhood voting to determine elected commissioners.

FLASHING SCHOOL SIGNS REQUEST - HAW CREEK SCHOOL

Mayor Wood announced that he had received a request from the Haw Creek School P.T.A. to install two flashing school zone signs at Haw Creek School on Highway 70. He said these have been also recommended by the traffic engineering department and would be installed as soon as possible.

COUNCIL MEETING - NOVEMBER 18, 1971

Mayor Wood announced that the next regular meeting of the City Council would be held at Aycock School in West Asheville at 7:30 o'clock P.M., November 18, 1971

Adjournment

Richard D. Wood, Jr.
MAYOR

Miriam S. Merrell
CITY CLERK

PATLA, STRAUS, ROBINSON & MOORE, P.A.
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STEVEN I. GOLDSTEIN

VICTOR W. BUCHANAN

BOX 7625 COURT HOUSE STATION
TELEPHONE 253-7673
AREA CODE 704

November 10, 1971

Honorable Richard A. Wood, Jr., Mayor
and Members of City Council
City Hall
Asheville, North Carolina

Re: Group Development - Petition of C. Henry McClain

Gentlemen:

I am herewith submitting to you my report and opinion in connection with the matter referred to me by you on Thursday, November 4.

Ordinance 322, provides in Subsection C, of Section 9, the procedure under which Group Developments may be approved by the City Council. It provides that prior to the issuance of building permits for the construction of buildings in any group development, a Site Plan shall be submitted to and approved by City Council. Prior to approval, the Planning and Zoning Commission shall make recommendations and a public hearing shall be held.

Planning and Zoning has made its recommendations with which you are familiar, approving the Site Plan and each of you is familiar with the information brought forward at the public hearing. The Ordinance provides those items which the plan for the group development must include. Planning and Zoning has provided to you its group development check list in accordance with the terms of the Ordinance. You are fully familiar with the fact that the Planning and Zoning Commission raised no question with respect to any of the items contained in the check list.

You have requested my opinion with respect to your authority to approve or disapprove the proposed group development. Original zoning power of the State reposes in the General Assembly. The General Assembly has delegated this power to the "legislative body" of municipal corporations under the terms of NCGS 160-172, et seq. Under this general authority and in order to promote the health, safety, morals, and general welfare of the inhabitants of the City of Asheville, the Asheville Zoning Ordinance, No. 322, as amended, has been adopted. As you know, the property in question is in an area zoned RA-8, residential district, and included among the uses permitted in this area are "multiple dwellings". Therefore, C. Henry McClain is not requesting a change to a different zoning classification, nor is he

requesting a variance from the existing classification in which his property is located. In Yancey v. Heafner 268 N.C. 263 (1966), our Supreme Court stated:

> "Zoning regulations are in derogation of common law rights and they cannot be construed to include or exclude by implication that which is not clearly their express terms. It has been held that well-founded doubts as to the meaning of obscure provisions of a Zoning Ordinance should be resolved in favor of the free use of property." Yokley, Zoning Law and Practice, 2nd Edition (1962 Supplement) Vol. 1, Section 184.

Also in the case of In Re: Application of Construction Company 272 N.C. 715 (1968), our Court stated:

> "A zoning ordinance, like any other legislative enactment, must be construed so as to ascertain and effectuate the intent of the legislative body. Bryan v. Wilson, 259 N.C. 107, 130 S.E. 2d 68. A zoning ordinance, however, is in derogation of the right of private property and provisions therein granting exemptions or permissions are to be liberally construed in favor of freedom of use. In Re: Crouch, 258 N.C. 345, 128 S.E. 2d 409."

It appears clear, therefore, that Mr. McClain has relied upon the Zoning Ordinance as conceived and adopted by a prior City Council in locating his proposed apartment complex within an area zoned for that purpose.

In a recent case, Allred v. City of Raleigh, 7 N.C. App. 602 (1970) there was involved a zoning change from an area providing for single-family residential to a lower zoning classification of residential, permitting apartments and other non-single family residence usages. The Plaintiffs, who were residents of the area sought a declaratory judgment seeking to declare the ordinance change invalid. They argued that the area surrounding the rezoned property was quiet, orderly and a "high-class" residential area. They referred to a 1926 U.S. Supreme Court case, Euclid v. Ambler Co. 272 U.S. 365, a landmark case dealing with zoning regulations. Dictum in that case stated that apartment developments within an area of detached residences may destroy its residential character, and its desirability as a place for detached residences. The North Carolina Court of Appeals did not accept this argument, but stated:

> "Since that time more and more people have turned to apartments as permanent homes -- many by choice. Few, if any, cities today enjoy the luxury of having enough land available to accommodate substantially all of their citizens in detached houses. Consequently, more land often has to be made available for apartments

under existing zoning regulations. Many modern and luxurious apartment buildings tend to compliment the area where they are located."

It must be pointed out that most cases dealing with the type of argument which was presented by the property owners at your public hearing on November 4, are those in which the apartment owner-builder is seeking either a change in zoning classification or is seeking a variance. In Mr. McClain's case he is seeking neither a change nor a variance, but is providing the City Council with documentation required under the Ordinances as to the necessary information concerning type, size and location of improvements to be located upon the property.

The opponent's reference to a clear threat to public safety by reason of the addition of new families on this approximate 3-acre tract was primarily related to traffic hazards as they may exist on the adjoining Street - Shelbourne Road. In addition, such things as annoyance and loss of property values were argued. All these arguments are political in nature and not legal, placing in question a prior Council's wisdom in original zoning of the area. The question of law is whether the project as proposed meets the standards of the Ordinance as it presently exists. The property is contained in an area zoned for the petitioner's proposed purpose. He has met all conditions of the Ordinance and I must, therefore, give you my opinion that he has met all legal requirements.

Please advise if there is further research that I can do in regard to this particular matter.

Very truly yours,

Robert J. Robinson

RJR:mv

Councilman Morris moved to accept the low bid of Parks Banks Engineering in the amount of $4,690.00. This motion was seconded by Councilman Hoyle and passed unanimously.

ZONING ORDINANCE - RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION TO AMEND THE ZONING ORDINANCE BY THE ADOPTION OF FLOOD PLAIN AND FLOODWAY REGULATIONS

5. Consideration was given to a recommendation of the Planning and Zoning Commission that the Zoning Ordinance be amended to include Flood Plain and Floodway Regulations.

Mr. Kmecza, Director of Planning, read the recommendations of the Planning and Zoning Commission and explained to Council that in order for the City of Asheville to be eligible to apply for the subsidized insurance provided under the Federal Flood Insurance Program, the proposed revisions would have to be made before December 31, 1971.

Councilman Morris moved that a date for a public hearing be advertised at the city's expense and that the hearing be set for the December 9, 1971 meeting.

Councilman Colton seconded this motion and it was unanimously adopted.

BIDS - (19) POLICE CARS AND (2) FOUR DOOR SEDANS FOR POLICE DEPARTMENT, METROPOLITAN PLANNING COMMISSION AND FIRE DEPARTMENT

6. Consideration was given to the bids received by the purchasing agent on November 8, 1971 for nineteen (19) police cars for the Police Department, one (1) four door sedan for the Metropolitan Planning Commission and one (1) four door sedan for the Fire Department.

The City Manager read the recommendations of the Purchasing Agent and the Chief of Police, and summarized the following bids:

Item I
Request #116 -- Nineteen (19) Police Cars for the Police Department

Bidder	Lump Sum Bid	Trade-In	Total Bid	Delivery Date
Dorato Motors, Inc.	$ 55,676.21	$-22,000.00	$33,676.21	45-60 Days
Parkland Chevrolet Co.	57,995.48	-16,000.00	41,995.48	60 Days
Glover Motors	59,263.06	-23,270.00	35,993.06	40-60 Days

Low Bid - Dorato Motors $33,676.21

Item # II
Request #116 - One (1) Four Door Sedan for Metropolitan Planning Commission

Bidder	Lump Sum Bid	Trade-In	Total Bid	Delivery Date
Dorato Motors, Inc.	$ 3,075.63	$-800.00	$ 2,275.63	45-60 Days
Parkland Chevrolet Co.	3,109.02	-700.00	2,409.02	60 Days
Glover Motors	3,253.97	-850.17	2,403.80	40-60 Days

Low Bid - Dorato Motors $ 2,275.63

Thursday, November 18, 1971 - 7:30 o'clock P. M.

Regular Meeting held at Aycock Elementary School on Haywood Road - West Asheville

Present: Vice-Mayor Calvin W. Marshall, presiding; Councilmen Eugene C. Ochsenreiter, Jr., Henry E. Colton, Ralph D. Morris, Jr., Ruben J. Dailey, J. W. Hoyle, City Manager Phin. Horton III, Corporation Counsel Robert J. Robinson, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Richard A. Wood

1. Approval of minutes of November 11, 1971 meeting.

Upon motion of Councilman Dailey, seconded by Councilman Hoyle, the minutes were approved as submitted.

ORDINANCE NO. 716 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Victoria Road)

2. Ordinance No. 716, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, passed unanimously on its third and final reading.

A complete copy of Ordinance No. 716 will be found in Ordinance Book 5 at page 196 .

ORDINANCE NO. 718 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 43 EAST CHESTNUT STREET, 81 CIRCLE STREET, 38 CURVE STREET, 71 AND 71½ GAY STREET, 18 JORDAN STREET, 10-14 MORROW STREET AND 136 PINE STREET.

3. Consideration was given to Ordinance No. 718 , an ordinance directing the Housing Officer to demolish those houses known as 43 East Chestnut Street, 81 Circle Street, 38 Curve Street, 71 and 71½ Gay Street, 18 Jordan Street, 10-14 Morrow Street and 136 Pine Street.

The City Manager read the ordinance and upon motion of Councilman Morris, seconded by Councilman Colton, Ordinance No. 718 passed unanimously on its first reading.

AWARDING OF A CONTRACT TO DEMOLISH OR REMOVE THE REMAINS OF 21 DWELLING HOUSES UNDER THE DEMOLITION PROGRAM IN THE MODEL CITIES AREA. (Bid Request No. 121)

4. Consideration was given to bids received on November 15, 1971 for the demolition and removal of 16 dwelling houses and the removal of the remains of 5 dwelling houses located in the Model Cities Area.

The City Manager read list of bids and the recommendation of the Purchasing Agent and Housing Officer that the award be made to the low bidder, Parks Banks Engineering. The City Manager concurred in this recommendation.

The bids received were as follows:

CONTRACTOR	LUMP SUM BID	PERIOD OF COMPLETION
Perry M. Alexander Construction	$ 7,900.00	30 days
Buffalo Flagstone Company	5,950.00	30 days
Constance & Burnette Grading Co., Inc.	6,400.00	On or before Dec. 30, 1971
Parks Banks Engineering	4,690.00	30 days

Regular Meeting held at Murphy Community Center in the Oakley Section.

Present: Mayor Richard A. Wood, Jr. presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Henry E. Colton, Ralph D. Morris, Jr., Ruben J. Dailey, Corporation Counsel Robert J. Robinson, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman J. W. Hoyle- absent at the beginning of the meeting but took his seat at 8:23 P. M. as noted in the minutes. City Manager Phin. Horton III

1. Approval of minutes of November 18, 1971 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Dailey, the minutes were approved as submitted.

ORDINANCE NO. 718 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 43 EAST CHESTNUT STREET, 81 CIRCLE STREET, 38 CURVE STREET, 71 AND 71½ GAY STREET, 18 JORDAN STREET, 10-14 MORROW STREET AND 136 PINE STREET.

2. Consideration was given to the second reading of Ordinance No. 718, an Ordinance directing the Housing Officer to demolish those houses known as 43 East Chestnut Street, 81 Circle Street, 38 Curve Street, 71 and 71½ Gay Street, 18 Jordan Street, 10-14 Morrow Street and 136 Pine Street.

Ordinance No. 718 on a roll call vote passed on its second reading.

ORDINANCE NO. 719 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Bear Creek Road and Deaverview Road)

3. A public hearing was held to consider an amendment to the Zoning Ordinance rezoning the property of Lyle D. Ward, N. Ellis Cannady, Jr. and James M. Dowtin from RA-6 Residential to Commercial.

Mayor Wood opened the public hearing at 7:39 o'clock and requested the City Clerk to read the affidavit of publication.

Mr. Kmecza, Planning Director, read the favorable recommendation of the Planning and Zoning Commission.

After a discussion by Council as to the location and reason for the rezoning request Mayor Wood closed the hearing at 7:44 o'clock.

The City Clerk then read the Ordinance as prepared.

Ordinance No. 719, being an Ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, was upon motion of Councilman Morris, seconded by Councilman Colton, unanimously passed on its first reading.

ORDINANCE NO. 720 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED, (Clingman Avenue Park Avenue and Jefferson Drive)

4. A public hearing was held to consider an amendment to the Zoning Ordinance rezoning the property of James K. McRary and Others in the Clingman Avenue, Park Avenue and Jefferson Drive area from RA-5 Residential District to Industrial District.

Item III
Request #116 - One (1) Four Door Sedan for the Fire Department

Bidder	Lump Sum Bid	Trade-In	Total Bid	Delivery Date
Dorato Motors	$ 3,178.24	$-100.00	$ 3,078.24	45-60 Days
Parkland Chevrolet Co.	3,183.81	- 25.00	3,158.81	60 Days
Glover Motors	3,356.59	-100.00	3,256.59	40-60 Days

Low Bid - Dorato Motors - $ 3,078.24

The City Manager informed Council that he concurred with the Purchasing Agent and the Chief of Police in recommending the acceptance of the low bid of Dorato Motors, Inc. for all three items in the amount of $ 39,030.08.

Councilman Ochsenreiter moved that the low bid of $39,030.08 for all three items be accepted and that Dorato Motors be awarded the contract, Councilman Hoyle seconded the motion and it was unanimously adopted.

MR. G. M. TAYLOR - COMPLAINT

Mr. G. M. Taylor, a West Asheville resident, appealed to Council to give the West Asheville area equal consideration as other sections of town. He specifically mentioned garbage and trash collections and speeding on Clinton Avenue.

S. L. McHone, Superintendent of the Sanitary Department assured him that every effort was being made to give West Asheville as good if not better service than given elsewhere.

MAYOR WOOD JOINS COUNCIL MEETING

Mayor Wood joined the Council meeting at 8:12 P. M. and assumed the chair from Vice-Mayor Marshall.

CIVIC CENTER - SLIDE SHOW

At this time Mayor Wood introduced Mr. Robert Lindsey, of the Chamber of Commerce, who gave a slide show on the Civic Center.

A discussion of the Civic Center Bond Election followed, with several residents, including Mr. Harry Donald, Mr. Bill Horton, Mrs. Eugenia Jarrett, Mr. Leroy Ray, and Mr. McCarthy participating.

HASKILL F. HOLLAND - DISABLED POLICE OFFICER

Mr. Robert Swain, an attorney, speaking in behalf of Haskill F. Holland, a police officer disabled in the line of duty, petitioned the Council for an early hearing before the Board of Examiners of the Policeman and Fireman Pension Board.

Adjournment.

Richard D. Wood
MAYOR

William E. McCarthy
CITY CLERK

Item and Description	Low Bidder	Bid
20- 1 Pick Up Truck	Asheville International	$ 2,342.62
21- 1 (1½) yd. Low Bed Dump Truck	Asheville International	3,617.46
22- 1 4 Wheel Drive Pick Up	Asheville International	3,224.38
23- 1 Pick up Truck	Dorato Motors	2,555.37
24- 1 Pick up Truck	Asheville International	1,654.82
25- 1 4 Wheel Drive Truck	Carolina Truck & Body	2,228.00
26- 1 Pick up Truck	Asheville International	2,204.82
27- 3 Enclosed Hydraulic Packer Type Bodies of the Push Out Type 20 yd. Capacity	Quality Sales & Equipment	17,319.60
28- 1 10 yd. Enclosed Fully Hydraulic Packer Type Body of the Push Out Type	H.D. Russell & Associates	4,288.92
29- 1 4cubic yard Dump Body	Quality Sales & Equipment	1,055.70
Total Bid for All Items		$ 126,128.93

The City Clerk read the recommendation of J. R. McMahan, Purchasing Agent, who recommended the low bid for all items except Item #19. He explained that the two lowest bidders on this item did not meet the specifications therefore he recommended the high bid for this item.

Councilman Ochsenreiter moved that the low bids and recommendations of the Purchasing Agent be accepted and that contracts to the various companies be awarded in the amount of $126,128.93. Councilman Colton seconded this motion and it was unanimously adopted.

BIDS - BID REQUEST #117 - 4 CAB AND CHASSIS TRUCKS, 2 CAB AND CHASSIS TRUCKS WITH HYDRAULIC PLATFORM BODIES, 3 REFUSE BODIES, AND 1 - 25 TON WRECKER BODY FOR MODEL CITIES AREA.

7. Consideration was given to bids received November 12, 1971 for 8 cab and chassis trucks, 2 cab and chassis trucks with Hydraulic Platform Bodies, 3 Refuse Bodies and 1 - 25 Ton Wrecker Body for use in the Model Cities Area.

The City Clerk read the following list of items and indicated the low bidder for each item.

ITEM AND DESCRIPTION	LOW BIDDER	BID
Alternate Bid 1A- 3 Tilt Cab and Chassis Trucks with Gasoline Engines	Matthews Motors Inc.	$ 27,774.38
2 - 2 Cab and Chassis Trucks with 12' Hydraulic Platform Bodies	Asheville International	8,493.38
3 - 1 Conventional Cab and Chassis Truck	Carolina Truck & Body	8,610.00
4 - 1 (25) Ton Wrecker to be Mounted on Cab and Chassis furnished by City	Hayes and Hopson	7,968.75
5 - 3 Enclosed Hydraulic Packer Type Bodies of the Push-Out Type - 20 yd. Cap.	G & W Equipment Co.	21,296.00
Total bid for all items		$ 74,142.51

The City Clerk read the recommendations of J. R. McMahan, Purchasing Agent, who recommended the low bid for all items except Item # 5. On this item the second low bid was recommended as this piece of equipment was more suitable for picking up the larger type of refuse. The Director of Public Works and Superintendent of the Sanitary Department concurred in this recommendation.

Mayor Wood opened the public hearing at 7:46 o'clock P. M. and requested the City Clerk to read the affidavit of publication.

Mr. Kmecza, Planning Director, read the favorable recommendation of the Planning and Zoning Commission.

There was no objection and Mayor Wood closed the public hearing at 7:50 o'clock P. M.

The City Clerk then read the Ordinance as prepared.

Ordinance No. 720, being an Ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended, was upon motion of Vice-Mayor Marshall, seconded by Councilman Ochsenreiter, unanimously passed on its first reading.

PETITION TO REZONE LOT #174 - WARD 2 - SHEET 16, THE PROPERTY OF ROBERT P. INGLE FROM RA-M RESIDENTIAL DISTRICT TO NEIGHBORHOOD TRADING AREA.

5. Consideration was given to a petition from Robert P. Ingle requesting the rezoning of Lot # 174, Ward 2, Sheet 16 from RA-M Residential District to Neighborhood Trading Area.

Mayor Wood received the petition and without objection from Council directed the City Clerk to refer the petition to the Planning and Zoning Commission for study and recommendation.

BIDS - REQUEST #118 - 4 ENCLOSED HYDRAULIC PACKER TYPE BODIES, 1 DUMP BODY AND 29 TRUCKS FOR VARIOUS DEPARTMENTS OF THE CITY.

6. Consideration was given to bids received on November 12, 1971 for 4 enclosed Hydraulic Packer Type Bodies, 1 Dump Body and 29 Trucks for various departments of the City.

The City Clerk read the following list of items and indicated the low bidder for each item:

Item and Description	Low Bidder	
1 - 3 Tilt Cab and Chassis	Matthews Motor Co.	$ 26,096.14
2 - 2 Cab and Chassis	Asheville International	6,376.60
3 - One 4 Wheel Drive Cab & Chassis	Carolina Truck & Body	3,830.00
4 - 1 Pick up Truck	Dorato Motors	2,211.18
5 - 1 Cab and Chassis with 4yd Dump Bed	Carolina Truck & Body	4,722.00
6 - 2 Pickup Trucks	Carolina Truck & Body	4,026.00
7 - 1 Pickup Truck	Carolina Truck & Body	2,808.00
8 - 2 Cab and Chassis	Carolina Truck & Body	8,428.00
9 - 1 (1½) yd. Low Bed Dump Truck	Dorato Motors	3,452.45
10- 1 Cab and Chassis	Asheville International	3,242.04
11- 1 Pick up Truck	Asheville International	2,343.14
12- Deleted		
13- 1 Pick up Truck	Asheville International	2,606.30
14- 1 4 Wheel Drive Utility Type Body Fully Enclosed	Matthews Motors Co.	2,838.34
15- 1 Pick up Truck	Asheville International	2,203.22
16- 1 Pick up Truck	Asheville International	2,606.30
17--1 Pick up Truck	Parkland Chevrolet Co.	2,048.51
18- 1 Pick up Truck	Asheville International	2,606.30
19- 1 Four Door Carry-All	Asheville International	3,192.72

He also announced that the position of Branch Supervisor had not been filled and that competitive tests would be conducted at 10:30 A. M. December 6, 1971 at the Main Library.

Mrs. Elizabeth Garren and Mr. J. E. Huff both expressed their appreciation for Council's action in bringing the library to Oakley.

CIVIC CENTER - SLIDES

At this time Mr. Robert Lindsey, of the Chamber of Commerce, showed the Civic Center slides.

A lengthy discussion of the Civic Center followed.

Mr. E. R. McCarthy discussed the financial aspects of the issuance of $3,000,000 more bonds.

Miss Nell Stroupe stated that the users of the Civic Center should pay for it and suggested a percentage charge as a basis for the rental.

Mrs. Elizabeth Garren asked Mayor Wood who was paying for the advertising and was informed by Mayor Wood that it was being financed through contributions from interested citizens.

Mr. Ramsey was interested in the parking and Councilman Morris and Councilman Colton informed him that they were sure that private enterprises would solve the parking problem when the center was completed.

In addition, Mr. Paul Jones, Jr., Mr. Lawrence Ray and Mr. Mac Jones all participated in the discussion.

MR. PAUL JONES, JR.

Mr. Paul Jones, Jr. told Council that the traffic markers on Hendersonville Road were confusing to the public and needed changing. He also appealed to Council to use their influence to persuade the School Board not to sell David Millard Junior High School.

Adjournment.

Richard D. Wood, Jr.
MAYOR

Miriam S. McCarthy
CITY CLERK

Councilman Dailey moved that the recommendation of the Purchasing Agent be accepted and that the contracts be awarded as recommended. Vice-Mayor Marshall seconded this motion.

Mr. Philip Cocke, Director of Public Works, requested of Council that winches be added to each of the 3 packers to facilitate the loading of larger pieces of refuse such as stoves, refrigerators and washing machines. He said he had received a letter from the Model Cities Agency concurring with this request.

Councilman Morris moved that the original motion be amended to include the addition of the 3 winches on the 3 packer units. Councilman Colton seconded this motion and it carried unanimously. The motion to award the contracts as amended was then unanimously adopted.

SALE OF SURPLUS PROPERTY OF RIVERSIDE CEMETERY

8. Consideration was given to a resolution authorizing the Finance Officer to sell certain surplus equipment used in the operation of Riverside Cemetery.

The City Clerk presented the resolution.

Resolution No. 71-139 being, "Resolution Authorizing Director of Finance to Sell Surplus Equipment used in the Operation of Riverside Cemetery", was, upon motion of Councilman Morris, seconded by Councilman Colton, unanimously adopted.

Complete text of Resolution will be found in Resolution Book 6 at page 141.

AGREEMENT FOR WATER LINE EXTENSION - ON BRADDOCK WAY WITH BALLANTREE PROJECT

9. Consideration was given to a resolution authorizing the Mayor to enter into agreement with Ballantree Project for the water main extension along Braddock Way.

The City Clerk read the prepared Resolution.

Resolution No. 71-140 being "A Resolution authorizing the Mayor to Enter into Agreement with Ballantee Project concerning a water main extension Along Braddock Way Right of Way as Recorded in Plat Book 36 Page 118, and Plat Book 38, Page 1, Register of Deeds Office, Buncombe County" was, upon motion of Councilman Dailey, seconded by Vice-Mayor Marshall, unanimously adopted.

Complete text of Resolution will be found in Resolution Book 6 at page 142.

COUNCILMAN HOYLE

Councilman Hoyle, detained at a previous meeting, arrived and took his regular seat at 8:23 o'clock P. M.

MURPHY COMMUNITY CENTER LIBRARY SCHEDULE ANNOUNCED

Mayor Wood read a report from Kenneth Brown, Library Director, outlining the tenative hourly schedule under which the new Murphy Community Center Library would operate. He said that it was contemplated the library would be open 22 hours each week and at a time when it was felt it would be most beneficial and advantage to all concerned.

Mayor Wood reopened the public hearing at 4:45 o'clock P. M.

Councilman Dailey then moved that the hearing be continued without further advertising until December 16, 1971 and that it be the first item on the agenda. Councilman Hoyle seconded this motion and it carried unanimously.

PUBLIC HEARING - REVISED GROUP DEVELOPMENT PLAN FOR THE ASHEVILLE MALL.

2. A public hearing was held to consider a revised group development for the Asheville Mall.

Mayor Wood opened the hearing at 4:49 o'clock P. M.

The City Manager read the affidavit of publication.

Mr. Kmecza, Planning Director, read the favorable recommendation of the Planning and Zoning Commission subject to the following conditions:

1. No signs, lights, buildings, parking, driveways or streets shall be erected or constructed within the buffer strip as shown on the Plan.

2. That the turf treatment be specified on the cut and fill sections and that they be properly maintained.

3. The occupancy permit shall be withheld for each section of development until all the site work, including supportive parking, access, etc., is completed for that representative section according to the approved Amended Plan.

4. All required fencing, [illegible] and planting shall be completed before any occupancy permit be granted.

5. That, under no circumstances, shall the parking layout be altered to the point where it does not conform to the minimum requirement of one (1) parking space for each 200 square feet of gross floor area.

6. The planting plan in the southwestern portion of the property be reversed, as shown in red, so that "Condition A" planting be placed on top of the slope and "Condition B" planting be placed at the bottom of the slope.

7. That the planting of trees be done in accordance with good nursery practice and be maintained in good condition including the prompt removal and replacement of dead or unhealthy plants.

The eighth condition being the obtaining of an opinion of a traffic safety engineer concerning possible traffic hazards in certain fill areas adjacent to residential property.

With reference to the eighth condition, Mr. Paul Dutcher, Traffic Engineer, reported to Council that a 2% grade sloping away from the fill area was being proposed. He added that unless a car was being driven at a reckless or high rate of speed it was unprobable that it would roll over a 2 foot berm being constructed in the fill area.

Mr. R. L. Coleman, the developer, addressed the Council and explained the change in plans and that the increase in rock excavation necessitated the raising of the grade of the fill area. He said he intended to protect this area with the construction of a 2 foot berm 8 feet wide. He asked permission to withhold planting of the required trees until foundation excavation had been completed so that he could use this dirt to construct the berm.

Thursday - December 9, 1971 - 3:00 o'clock P. M.

Regular Meeting

Present: Mayor Richard A. Wood, Jr. presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Henry E. Colton, Ralph D. Morris, Jr., Ruben J. Dailey, J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of December 2, 1971 meeting.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall the minutes were approved as submitted.

PUBLIC HEARING - AMENDMENT TO THE ZONING ORDINANCE TO INCLUDE A FLOOD PLAIN AND FLOODWAY DISTRICT.

2. A public hearing was held to consider an amendment to the Zoning Ordinance to include a Flood Plain and Floodway District.

Mayor Wood opened the public hearing at 3:02 o'clock P. M.

The City Manager read the affidavit of publication.

Mr. Kmecza, Director of Planning, read the recommendations of the Planning and Zoning Commission, distributed a substitute ordinance, and discussed the differences between the new proposal and the one published in the newspaper.

A lengthy discussion followed with the following property owners or their representatives expressing their objections to the ordinance:

Mr. Jerry Sternberg - Jerry Sternberg Company
Mr. Perry Alexander - Alexander Construction Company
Mr. Douglas Bolton - Three Mountaineers, Inc.
Mr. Glenn Kelly - Attorney for Days Warehouses, Three Mountaineers, Inc. and Southern Railway.
Mr. Harmon Lee - Carolina Fuel Company
Mr. Jack Westall - J. M. Westall and Company
Mr. Russell Monroe - 10 Lodge Street
Mr. Thomas - Southern Railway
Mr. William Anderson - Hardwood Corp. of America
Mr. Duffy Reintz - Burger Chef of Asheville
Mr. Weaver - Pepsi Cola Company
Mr. Cecil Murray - Lowes, Inc.
Mr. Alton Day - Day's Warehouses
Mr. Paul Hutchins - Asheville Machine and Foundry.

It was the general concensus that further study should be made concerning the ordinance, being more specific in defining the building material restrictions as well as minimizing other restrictions.

Mayor Wood closed the public hearing at 4:35 o'clock P. M.

After a discussion by the Council it was moved by Councilman Ochsenreiter, seconded by Councilman Hoyle that the public hearing be reopened and that action be deferred until the next meeting. This motion carried unanimously.

ORDINANCE NO. 720 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Clingman Avenue, Park Avenue and Jefferson Drive)

6. Second reading of Ordinance No. 720, an Ordinance to rezone property of James K. McRary and Others in the Clingman Avenue, Park Avenue and Jefferson Drive area from RA-5 Residential to Industrial.

Ordinance No. 720, was unanimously passed on its second reading.

PETITION TO REZONE PROPERTY OF SERVICE DISTRIBUTING COMPANY, INC.

7. Consideration was given to a petition to rezone property of Service Distributing Company, Inc. located at the corner of Reed Street and West Chapel Road from RA-5 Residential District to Neighborhood Trading Area.

Mayor Wood instructed the City Clerk to refer the petition to the Planning and Zoning Commission for study and their recommendation.

BIDS - ONE (1) 12 PASSENGER BUS FOR THE SENIOR OPPORTUNITY CENTER

8. Consideration was given to bids received on November 26, 1971 for one (1) 12 passenger bus for the Senior Opportunity Center - Parks and Recreation Department.

The bids received were as follows:

Item #1 - One (1) 12 Passenger Bus

Parkland Chevrolet Company	$ 6,235.34
Dorato Motors, Inc.	$ 4,118.30
Matthews Motors, Inc.	$ 4,317.14

The City Manager read the recommendation of the Purchasing Agent who recommended the acceptance of the second low bid of Matthews Motors, Inc. as the low bidder, Dorato Motors, Inc. did not meet the specifications. The City Manager concurred in this recommendation.

Vice-Mayor Marshall moved that the contract be awarded to the second low bidder, Matthews Motors, Inc. in the amount of $ 4,317.14. Councilman Hoyle seconded this motion and it was unanimously adopted.

MUNICIPAL AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE NORTH CAROLINA HIGHWAY FOR CONSTRUCTION AND REPLACEMENT OF THE OLD WEST ASHEVILLE BRIDGE.

The City Manager informed Council that the executed copy of the Municipal Agreement covering the construction and replacement of the Old West Asheville Bridge, had been received by his office, and would be placed in the reference file.

COUNCILMAN DAILEY - STATEMENT ON CONCESSION STAND AT AUDITORIUM.

Councilman Dailey asked the City Manager if it was true that blacks were not allowed to lease the concession stand at the Asheville Auditorium.

Mr. Horton informed him that the auditorium handles the concessions exclusively and does not lease them to anyone.

A lengthy discussion followed with several residents of White Pine Drive expressing their wishes as to the protective measures that should be required before Mr. Coleman would be issued a Certificate of Occupancy. Most of the residents favored a berm at the top of the fill section as well as a 5 foot fence completely across the back line of the shopping center- both in the cut and fill sections.

The following property owners took part in the discussion:

Mrs. Norton, Mrs. John Willard, Mrs. David Weaver, Mr. Frank Quinlan, Mrs. Earl Reynolds, Mrs. Martin, Mrs. Yermack, Mrs. Willingham, Mr. Paul Jones, Jr., Mr. Derwood Johnson, Mr. Lester Johnson and Mrs. Middleton.

Mayor Wood closed the hearing at 6:01 o'clock P. M.

After further discussion Councilman Colton moved that the amended Group Development Site Plan for the Asheville Mall be approved, subject to the 1 through 7 conditions recommended by the Planning and Zoning Commission (Councilman Colton read these seven conditions) and that the following conditions be added:

8. That a berm be constructed as shown on the site plan at the top of all fill areas, before any occupancy permit is granted.

9. That a 5 foot link fence be constructed between points 1-2 and 3-4 as shown on the final amended site plan.

Councilman Morris seconded this motion and it was unanimously adopted.

Mayor Wood instructed the City Clerk to let the minutes reflect that the changes in the site plan were initialed by Mr. Coleman to indicate his approval.

COUNCILMAN OCHSENREITER - EXCUSED FROM MEETING

Councilman Ochsenreiter was excused by Mayor Wood at 6:24 o'clock P. M. and left the Council meeting.

ORDINANCE NO. 718- AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 43 EAST CHESTNUT STREET, 81 CIRCLE STREET, 38 CURVE STREET, 71 AND 71½ GAY STREET, 18 JORDAN STREET, 10-14 MORROW STREET AND 136 PINE STREET.

4. Third and final reading of an ordinance directing the Housing Officer to demolish those houses known as 43 East Chestnut Street, 81 Circle Street, 38 Curve Street, 71 and 71½ Gay Street, 18 Jordan Street, 10-14 Morrow Street and 136 Pine Street.

Ordinance No. 718 was unanimously passed on its third and final reading.

Complete text of Ordinance No. 718 will be found in Ordinance Book 5 at page 198.

ORDINANCE NO. 719 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Bear Creek Road and Deaverview Road.)

5. Second reading of Ordinance No. 719, an Ordinance to rezone property of Lyle D. Ward, N. Ellis Cannady, and James M. Dowtin at the corner of Bear Creek Road and Deaverview Road from RA-6 Residential District to Commercial.

Ordinance No. 719 was unanimously passed on its second reading.

CIVIC CENTER - FEE SCHEDULE

Councilman Morris made reference to the fee schedule for the New Civic Center, and moved that the Civic Center Advisory Committee be requested to study the possibilities of a percentage of the gross or seat tax, or perhaps a combination of both, and report their findings to Council.

Councilman Hoyle seconded this motion and it was unanimously adopted.

WISE RADIO STATION - PARADE PERMIT

Mr. Joe Hall, Station Manager of WISE Radio Station, asked the Council to grant him a parade permit for a Christmas Parade. He stated that he had been to the City Manager and had been referred to the Chief of Police, but he still did not have his permit.

Mayor Wood informed him that the issuance of parade permits was the function of the City Managers Office and that Mr. Hall should go back to Mr. Horton's office and discuss it further.

CIVIC CENTER BOND ELECTION

Mayor Wood made a brief statement regarding the Civic Center Bond Election on Tuesday, December 14, 1971 and that the Council would meet on Wednesday, to canvass the returns.

Upon motion of Councilman Dailey, seconded by Councilman Hoyle, the meeting was adjourned until 12:00 o'clock noon on December 15, 1971 at the City Hall, for the purpose of canvassing the returns of the Special Bond Election to be held on December 14, 1971.

This motion was unanimously adopted.

Adjournment.

Richard A. Wood, Jr.
MAYOR

William F. Mecerty
CITY CLERK

(a) That each registrar and judge for said special bond election was duly qualified by law and had taken the necessary oath.

(b) That said election officers had incorporated in their returns not only the number of votes cast for and against the question submitted, but also the number of voters registered and qualified to vote in each precinct in said special bond election.

(c) That at said special bond election there was submitted to the qualified voters of said City the following question:

> Shall an ordinance passed on October 21, 1971, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Auditorium and Arts Center Bonds in an aggregate principal amount not exceeding $3,000,000 for the purpose of providing funds, with the proceeds of $5,300,000 Auditorium and Arts Center Bonds respresenting a consolidation of $4,000,000 Auditorium Bonds and $1,300,000 Civic Arts Center Bonds which were approved at the special bond election held on December 5, 1967 and with any other available funds, for erecting and constructing the Asheville Civic Center complex and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment and the relocation and installation of utility lines, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, be approved?

(d) That no complaint has been made to the Council against the regularity of said election.

(e) That said election and the registration therefor were fully and properly held in accordance with law.

Section 2. That the following schedule correctly shows the designations of the several precincts at which said election was held and, as to each precinct, the location of the voting

Wednesday - December 15, 1971
12:00 o'clock P.M.

The Council of the City of Asheville, North Carolina, met in adjourned regular session at the City Hall, the usual place of meeting, at 12 o'clock P.M., on December 15, 1971.

Present: Mayor Richard A. Wood, Jr., presiding, and Councilmen Henry E. Colton, Ralph D. Morris, Jr., Ruben Dailey, J. W. Hoyle, Vice-Mayor Calvin W. Marshall.

Absent: Eugene C. Ochsenreiter.

Also present: Phin Horton, III, City Manager, and William F. Wolcott, Jr., City Clerk.

Mayor Wood made a brief statement with reference to the success of the Special Bond Election held on December 14, 1971, and thanked everyone for their efforts, paying special tribute to Mr. Paul Goodman, Mr. Earl McGuire and Mr. Robert Lindsey for their work in the pre-election campaign.

Mayor Wood asked the Chairman of the Municipal Board of Elections for a report on the Special Bond Election.

Mr. Jack Westall, Chairman, read a resolution passed by the Board certifying the results.

SPECIAL BOND ELECTION
RESOLUTION CANVASSING RETURNS

Councilman Morris introduced in written form the following resolution which was read:

RESOLUTION CANVASSING THE RETURNS OF THE SPECIAL BOND ELECTION HELD ON DECEMBER 14, 1971, AND DETERMINING AND DECLARING THE RESULT THEREOF.

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the returns of the special bond election held on December 14, 1971, in the City of Asheville having been received from the proper election officers and having been canvassed, the Council has found and determined and does hereby declare:

Section 3. That from the canvass so made by this Council it is judicially determined and declared:

(a) That at said election 26,077 voters were registered and qualified to vote.

(b) That at said election 7,259 votes were cast for the ordinance passed on October 21, 1971, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Auditorium and Arts Center Bonds in an aggregare principal amount not exceeding $3,000,000 for the purpose of providing funds, with the proceeds of $5,300,000 Auditorium and Arts Center Bonds representing a consolidation of $4,000,000 Auditorium Bonds and $1,300,000 Civic Arts Center Bonds which were approved at the special bond election held on December 5, 1967 and with any other available funds, for erecting and constructing the Asheville Civic Center complex and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment and the relocation and installation of utility lines, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 1,699 votes were cast against said ordinance, that a majority of the qualified voters of said City voting thereon at said election voted in favor of said ordinance, and that said ordinance was thereby approved and is in force and effect.

Section 4. That the certified copy of the returns of said election, made by the registrars and judges and filed with the Council, shall be filed in the archives of the City for public inspection.

place, the number of voters registered and qualified to vote in each precinct, the number of votes cast in favor of the question submitted, the number cast against said question and the totals of such numbers:

Precinct	Voting Place	Voters registered and qualified to vote	Question Submitted	
			Votes for	Votes against
1	Courthouse	890	243	23
2	William Randolph School	2077	495	100
3	Claxton School	1817	459	106
4	North Asheville Community Center	2188	896	152
5	Ira B. Jones School	2244	1005	137
6	East Asheville Community Center	2540	818	208
7	Newton School	1581	484	103
8	Biltmore School	671	115	57
9	Murphy Community Center	1249	194	92
10	Livingston Street School	1009	204	12
11	South French Broad High School	917	201	34
12	Hall Fletcher School	1020	226	62
13	Eugene Rankin School	1287	210	100
14	Aycock School	1048	245	73
15	Vance School	2353	492	208
16	West Asheville Fire Station	1708	413	131
17	325 Charlotte Street	1478	559	101
	Totals	26,077	7,259	1,699

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the Council has prepared and does adopt the following statement of the result of the special bond election held in the City of Asheville on December 14, 1971.

STATEMENT OF THE RESULT OF THE
SPECIAL BOND ELECTION
held in the
CITY OF ASHEVILLE, NORTH CAROLINA
on December 14, 1971

At a special bond election held in the City of Asheville on December 14, 1971, 26,077 voters were registered and qualified to vote.

At said election 7,259 votes were cast for the ordinance passed on October 21, 1971, authorizing the City of Asheville, North Carolina, to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Auditorium and Arts Center Bonds in an aggregate principal amount not exceeding $3,000,000 for the purpose of providing funds, with the proceeds of $5,300,000 Auditorium and Arts Center Bonds representing a consolidation of $4,000,000 Auditorium Bonds and $1,300,000 Civic Arts Center Bonds which were approved at the special bond election held on December 5, 1967 and with any other available funds, for erecting and constructing the Asheville Civic Center complex and incidential facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment and the relocation and installation of utility lines, and authorizing the levy and collection of a sufficient tax for the payment of the principal of and the interest on said bonds, and 1,699 votes were

Section 5. That this resolution, being a resolution directing administrative action, shall take effect immediately.

Richard A. Wood, Jr.
Mayor

William F. Wolcott, Jr.
City Clerk

Approved as to form:

Robert J. Robinson
Corporation Counsel

Upon motion of Councilman Colton seconded by Councilman Hoyle, the foregoing resolution entitled:

"RESOLUTION CANVASSING THE RETURNS OF THE SPECIAL BOND ELECTION HELD ON DECEMBER 14, 1971, AND DETERMINING AND DECLARING THE RESULT THEREOF" was passed by the following vote:

Yeas: Councilmen Henry E. Colton, Ralph D. Morris, Jr., Ruben J. Dailey, J. W. Hoyle, Vice-Mayor Calvin W. Marshall, Mayor Richard A. Wood, Jr.

Nays: none.

Thereupon the resolution entitled: "RESOLUTION CANVASSING THE RETURNS OF THE SPECIAL BOND ELECTION HELD ON DECEMBER 14, 1971, AND DETERMINING AND DECLARING THE RESULT THEREOF" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

STATEMENT OF RESULT OF SPECIAL BOND ELECTION

Thereupon Councilman Colton introduced in written form the following resolution which was read:

RESOLUTION PROVIDING FOR THE RECORDING, FILING AND PUBLICATION OF THE STATEMENT OF THE RESULT OF THE SPECIAL BOND ELECTION HELD ON DECEMBER 14, 1971.

or proceeding commenced within thirty days after the publication of the foregoing statement.

WILLIAM F. WOLCOTT, JR.
City Clerk

Section 3. That this resolution, being a resolution directing administrative action, shall take effect immediately.

Richard A. Wood, Jr.
Mayor

William F. Wolcott, Jr.
City Clerk

Approved as to form:

Robert J. Robinson
Corporation Counsel

Upon motion of Councilman Morris, seconded by Councilman Dailey, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE RECORDING, FILING AND PUBLICATION OF THE STATEMENT OF THE RESULT OF THE SPECIAL BOND ELECTION HELD ON DECEMBER 14, 1971" was passed by the following vote:

Yeas: Councilmen Henry E. Colton, Ralph D. Morris, Jr., Ruben J. Dailey, J. W. Hoyle, Vice-Mayor Calvin W. Marshall, Mayor Richard A. Wood, Jr.

Nays: none.

Thereupon the resolution entitled: "RESOLUTION PROVIDING FOR THE RECORDING, FILING AND PUBLICATION OF THE STATEMENT OF THE RESULT OF THE SPECIAL BOND ELECTION HELD ON DECEMBER 14, 1971" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

* * * * * * *

Adjournment

MAYOR

CITY CLERK

cast against said ordinance, and said ordinance was thereby approved and is in force and effect.

This statement is given by order of the Council of the City of Asheville, this 15th day of December, 1971.

Richard A. Wood, Jr.
Mayor

Henry E. Colton

Ralph D. Morris, Jr.

Calvin W. Marshall

Ruben J. Dailey

J. W. Hoyle

Councilmen

Section 2. That when the foregoing statement shall have been signed by a majority of the members of this Council and delivered to the City Clerk, the latter shall record it in the Ordinance Book of the City, and such statement shall be filed in the office of said City Clerk and published by said City Clerk once in The Asheville Times. A notice substantially in the following form shall be appended to the copy of the foregoing statement which is published:

TO THE CITIZENS AND TAXPAYERS OF THE CITY OF ASHEVILLE:

No right of action or defense founded upon the invalidity of the election mentioned in the foregoing statement shall be asserted, nor shall the validity of such election be open to question in any court upon any ground whatever, except in an action

Ordinance No. 719, was unanimously passed on its third and final reading.

Complete text of Ordinance No. 719, will be found in Ordinance Book 5 at page 201.

ORDINANCE NO. 720 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Clingman Avenue, Park Avenue, Jefferson Drive.)

4. Mayor Wood called for the third and final reading of Ordinance No. 720, an ordinance amending the Zoning Ordinance to rezone property of James K. McRary and Others in the Clingman Avenue, Park Avenue, and Jefferson Drive area from RA-5 Residential District to Industrial.

Ordinance No. 720, was unanimously passed on its third and final reading.

Complete text of Ordinance No. 720, will be found in Ordinance Book 5 at page 202.

RESOLUTION NO. 71-143 - A RESOLUTION GRANTING APPROVAL OF A TWO (2) MONTH EXTENSION OF FIRST ACTION YEAR OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM

5. Consideration was given to a Resolution granting approval of a two (2) month extension of the First Action Year of the Comprehensive City Demonstration Program.

The City Manager read the text of the resolution.

In the discussion that followed, Mayor Wood and Council questioned Mr. Logan Delany and Mr. Larry Fisher at length regarding the supplemental and local funds necessary for such an extension.

Upon motion of Councilman Dailey, seconded by Councilman Ochsenreiter the resolution was unanimously adopted.

Complete text of Resolution No. 71-143 will be found in Resolution Book 6 at page 146.

RESOLUTION NO. 71-144 - A RESOLUTION AMENDING THE ASHEVILLE COMPREHENSIVE CITY DEMONSTRATION PROGRAM BY ADOPTION AND INCLUSION THEREIN OF A NEW PROJECT ENTITLED "PROVISION OF FIRE HYDRANTS TO CLUB STREET AND DUNDEE STREET RESIDENTS.

6. Consideration was given to a resolution amending the Asheville Comprehensive City Demonstration Program by adoption and inclusion therein of a new project entitled "Provisions of Fire Hydrants to Club Street and Dundee Street residents".

The City Manager read the text of the resolution.

In the discussion which followed it was determined that three new hydrants would be installed.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall the resolution was unanimously adopted.

Complete text of Resolution No. 71-144 will be found in Resolution Book 6 at page 148.

Thursday- December 16, 1971 - 3:00 o'clock P. M.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Henry E. Colton, Ralph D. Morris, Jr., Ruben J. Dailey, J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of Minutes of December 9th and December 15th, 1971 meetings.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall the minutes of both the December 9th and December 15th, 1971 meetings were approved as submitted.

CONTINUATION OF PUBLIC HEARING ON AMENDMENT TO ZONING ORDINANCE TO INCLUDE A FLOOD PLAIN AND FLOODWAY DISTRICT.

2. The public hearing, continued from the December 9, 1971 meeting, to consider an amendment to the Zoning Ordinance to include a Flood Plain and Floodway District, was opened by Mayor Wood at 3:01 o'clock P. M.

Mr. Robert J. Robinson, Corporation Counsel, read a prepared opinion which outlined Councils position in regard to the necessity for them to take formal action at this time. He stated that as far as the State and Federal laws were concerned they need do nothing. Complete text of Mr. Robinson's opinion is made a part of these minutes.

Councilman Colton remarked that he had received informal information from Washington that an amendment extending the timing of the Floodway Act has been passed by Congress and it is now waiting for President Nixon's signature.

Mr. Harold Bennett, an attorney representing Southern Railroad, Three Mountaineers, Inc. and Days' Warehouses, stated that he had studied the Act and concurred with Mr. Robinson that the Council was not obligated to take action at this time.

Mayor Wood closed the public hearing at 3:07 o'clock P. M.

In the discussion which followed, Mayor Wood questioned J. E. Johnson, the Building Inspector, as to what his position would be in regard to building permits if the Council did not take any action. Mr. Johnson informed him that he would continue to issue permits.

Vice-Mayor Marshall moved that the Council take no action at this time and that the Building Inspector be instructed to continue to issue Building Permits in the area.

This motion was seconded by Councilman Dailey and passed unanimously.

ORDINANCE NO. 719 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Bear Creek Road and Deaverview Road.)

3. Mayor Wood called for the third and final reading of Ordinance No. 719, an ordinance amending the Zoning Ordinance to rezone property of Lyle D. Ward, N. Ellis Cannady and James M. Dowtin at the corner of Bear Creek Road and Deaverview Road from RA-6 Residential District to Commercial.

The City Manager read the recommendation of the Purchasing Agent and explained to Council that this was the second time that bids had been requested as only one bidder submitted a bid on the first request. He further explained that Council could consider the two bids on the second request.

Councilman Hoyle moved that the low bid of Guard Fence Sign, Inc. in the amount of $3,176.01 be accepted. Councilman Colton seconded this motion and it was carried unanimously.

BIDS - PARKING DEPARTMENT - 100 - 1 HOUR PARKING METERS

11. Consideration was given to bids received on December 13, 1971 for 100 - 1 hour parking meters for the Parking Department.

The bids received were as follows:

Southeastern Safety Supply Co.	$ 4,888.00
Rockwell Manufacturing Co.	4,891.00
Duncan Industries	5,650.00
Duncan Industries- Alternate Bid	4,600.00

The City Manager read the memorandums from the Purchasing Agent and the Superintendent of Parking recommending the acceptance of the low bid of Southeastern Safety Supply Company. He also concurred in the recommendation.

It was explained that Duncan Industries Alternate Bid did not meet specifications.

Councilman Morris moved that the low bid of $4,888.00 submitted by Southeastern Safety Supply Company be accepted. Councilman Dailey seconded his motion and it was unanimously adopted.

BIDS - FIRE DEPARTMENT - FIRE ALARM CONTROL BOARD

12. Consideration was given to bids received November 29, 1971 for a Fire Alarm Control Board for the Asheville Fire Department.

The bids received were as follows:

B and B Engineering Company	$ 47,721.00
Signal Sales and Service Company	53,726.00
Harrington Signal Company	36,550.00

Harrington Signal Company also had two alternates for additional equipment.

Alternate # 1 - Matching executive Swivel Chair - 65.00
Alternate # 2 - 3 PEC Protective Cabinets for 30 fire alarm circuit protection from lightning - $1,125.00

The City Manager read the bids and recommendations of the Purchasing Agent and the Chief of the Fire Department that the low bid with the alternates, be accepted, making a total of $37,740.00

RESOLUTION NO. 71-145 - A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO A COOPERATION AGREEMENT WITH THE DEPARTMENT OF PARKS AND RECREATION FOR THE OPERATION OF THE RIVERSIDE PARK PROJECT OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM.

7. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to enter into a cooperation agreement with the Department of Parks and Recreation for the operation of the Riverside Park Project of the Comprehensive City Demonstration Program.

The City Manager read the text of the resolution.

Councilman Colton asked for a time table of completion of the project and was informed that the schedule called for one year from this date.

Upon motion of Councilman Colton, seconded by Councilman Dailey the resolution carried unanimously.

Complete text of Resolution No. 71-145 will be found in Resolution Book 6 at page 149.

RESOLUTION NO. 71-146 - A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO AN AGREEMENT WITH THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS TO RECEIVE FINANCIAL ASSISTANCE UNDER THE EMERGENCY EMPLOYMENT ACT OF 1971.

8. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to enter into an agreement with the Buncombe County Board of Commissioners to receive financial assistance under the Emergency Employment Act of 1971.

Mr. Michalove, Municipal Coordinator, explained the application to Council.

The City Manager read the text of the resolution.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, the resolution was unanimously adopted.

Complete text of Resolution No. 71-146 will be found in Resolution Book 6 at page 150.

PETITION OF IMPERIAL LAND CORPORATION FOR ANNEXATION OF PROPERTY TO THE CORPORATE LIMITS.

9. Consideration was given to a petition of the Imperial Land Company to annex 31.26 acres in Biltmore Ward to the Corporate Limits of the City of Asheville.

Councilman Morris moved that the petition be referred to the Planning and Zoning Commission for study and recommendation. He further moved that advertisement scheduling the public hearing be initiated pending the report from the Planning and Zoning Commission. Councilman Hoyle seconded the motion and it was carried unanimously.

BIDS - STREET DEPARTMENT - 1350 FEET OF GALVANIZED METAL GUARD RAIL, POSTS AND TERMINAL ENDS

10. Consideration was given to bids received on December 10, 1971, for 1350 feet of galvanized guard rail for the Street Department.

The bids received were as follows:

Silverman Company, Inc.	$3,200.15
Guard Fence Sign, Inc.	$3,176.01

Council questioned the quality of the system since the low bid was considerably below that of the other two bidders. Chief Ball assured them that all specifications had been met and that the system had the approval of the American Insurance Association. He also informed Council that he had been in contact with the Greenville, North Carolina Fire Department, who have had a similar unit for 6 years and they report that it is very satisfactory.

Councilman Hoyle moved that Harrington Signal Company's low bid of $37,740.00, which includes alternates 1 and 2, be accepted. Councilman Dailey seconded this motion and it carried unanimously.

NEW YEARS HOLIDAYS FOR CITY EMPLOYEES

The City Manager informed Council that since New Years Day falls on Saturday it is normal practice to have the Friday before or the following Monday as an official holiday. He suggested that since the Buncombe County Commissioners had designated Friday that the City also select this day.

Councilman Ochsenreiter moved that Friday, December 31, 1971 be declared the official New Years holiday for City Employees. Councilman Hoyle seconded the motion and it was unanimously adopted.

Adjournment.

Richard A Woodruff

MAYOR

William D. Macaulay

CITY CLERK

428.

PATLA, STRAUS, ROBINSON & MOORE
PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
SUITE 500 GENNETT BUILDING
ASHEVILLE, NORTH CAROLINA
28807

JOSEPH A. PATLA
KARL M. STRAUS
ROBERT J. ROBINSON
WILLIAM C. MOORE
STEVEN I. GOLDSTEIN
VICTOR W. BUCHANAN

BOX 7625 COURT HOUSE STATION
TELEPHONE 253-7673
AREA CODE 704

December 14, 1971

Mayor Richard A. Wood
and Members of the City Council
City Hall
Asheville, North Carolina

Gentlemen:

In your meeting of December 9, 1971, you requested that I prepare for you amendments to a proposed floodway ordinance, which had been prepared by the Planning and Zoning Commission and submitted to you for action on that date.

Your particular request was that the ordinance be prepared pursuant to minimum standards which could comply with Part VI of Article 21 of Chapter 143 of the North Carolina General Statutes which was effective July 1, 1971.

The statute in question contains various definitions and means by which local governments may delineate floodways and by which it may subject floodways to regulation.

From a reading of the statutes, it appears that this Part VI is merely an authorization for a governing body to take action and that its terms are permissive and grant authority to regulate, but do not make it mandatory for the governing body to so regulate; thus, if City Council wishes to do the minimum, it may do nothing.

In my opinion, until such time as you, the local governing body, exercise your authority by delineating floodways within the City's zoning jurisdiction, the Building Inspector has no authority to refuse to grant building permits in any area of the City on a basis that it is located within what might be delineated as a floodway. Positive action is necessary and until the full impact of such action is known, I would recommend that no action be taken.

Very truly yours,

Robert J. Robinson

Robert J. Robinson

RJR:mv

Item 3 Heavy Duty Motor Oil - Estimated Quanity 4,650 gallons

Bidder	Bid	Total Bid
Gulf Oil Corporation	$ .60 per gallon $ .90 quart cans	$ 2,790.00
Humble Oil & Refining Co.	No bid	
Texaco, Inc.	$ .64 per gallon $ .85 quart cans	$ 3,065.28
American Oil Company	$ .6077 per gallon $ .8343 quart cans	$ 2,825.31

Item 4 - Heavy Duty Motor Oil - Estimated Quanity 2,000 gallons

Bidder	Bid	Total Bid
Gulf Oil Corporation	$ .70 per gallon $ 1.00 quart cans	$ 1,400.00
Humble Oil & Refining Co.	No Bid	
Texaco, Inc.	$ .72 per gallon $ .925 quart cans	$ 1,483.20
American Oil Company	$ .7843 per gallon $1.0094 quart cans	$ 1,568.60

Item 5 - Motor Oil Non- Detergent - Estimated Quanity 650 gallons

Bidder	Bid	Total Bid
Gulf Oil Corporation	$ .49 per gallon $ .70 quart cans	$ 318.50
Humble Oil and Refining Co.	No Bid	
Texaco, Inc.	No Bid	
American Oil Company	$ .515 per gallon $ .7416 quart cans	$ 334.75

Item 6 Hydraulic Oil Estimated Quanity 2,550 gallons

Bidder	Bid	Total Bid
Gulf Oil Corporation	$ .47 per gallon	$ 1,198.50
Humble Oil and Refining Co.	No Bid	
Texaco, Inc.	$ .55 per gallon	$ 1,444.58
American Oil Company	$ .4841	$ 1,234.46

Item 7 Gear Lubricant - Estimated Quanity 2,525 pounds

Bidder	Bid	Total Bid
Gulf Oil Corporation	$ .1425 per pound	$ 359.81
Humble Oil & Refining Co.	No Bid	
Texaco, Inc.	$ .1430 per pound	$ 371.91
American Oil Co.	$ .1432 per pound	$ 361.58

Item 8 Gear Lubricant Estimated Quanity 3,990 pounds

Bidder	Bid	Total Bid
Gulf Oil Corporation	$ .1425 per pound	$ 555.75
Humble Oil & Refining Co.	No Bid	
Texaco, Inc.	$ .1430 per pound	$ 574.43
American Oil Company	$ .1432 per pound	$ 558.48

Thursday- December 23, 1971 - 3:00 o'clock P. M.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Henry E. Colton, Ralph D. Morris, Jr., Ruben J. Dailey, J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of December 16, 1971 meeting.

Upon motion of Councilman Dailey, seconded by Vice-Mayor Marshall the minutes of the December 16, 1971 meeting were approved as submitted.

RESOLUTION NO. 71-147 - A RESOLUTION AUTHORIZING MAYOR WOOD TO EXECUTE LEASE FOR USE OF PREMISES ON GROVE STREET BY THE PARKS AND RECREATION DEPARTMENT'S SENIOR OPPORTUNITIES CENTER - A MODEL CITIES FUNDED PROJECT.

2. Consideration was given to a Resolution authorizing the Mayor to execute lease for use of premises on Grove Street by the Parks and Recreation Department's Senior Opportunities Center.

The City Manager read the text of the resolution.

Upon motion of Councilman Morris, seconded by Councilman Colton the resolution was unanimously adopted.

Complete text of Resolution No. 71-147 will be found in Resolution Book 6 Page 151.

BID REQUEST NO. 126 - GASOLINE, KEROSENE, FUEL OIL, DIESEL OIL AND GREASE FOR CALENDAR YEAR 1972.

3. Consideration was given to bids received on December 17, 1971 for Gasoline, Kerosene, Fuel Oil, Diesel Oil and Grease for the calendar year 1972.

The City Manager read the following bids:

Item 1 Regular Gasoline - Estimated Quanity 125,000 gallons

Bidder	Bid per Gallon	Total Bid
Gulf Oil Corporation	$ .2152	$ 26,900.00
Humble Oil & Refining Co.	$ .2187	27,337.50
Texaco, Inc.	$ .2123	26,537.50
American Oil Company	$ .2165	27,062.50

Item 2 Premium Gasoline - Estimated Quanity 250,000 gallons

Bidder	Bid per Gallon	Total Bid
Gulf Oil Corporation	$ .2352	$ 58,800.00
Humble Oil and Refining Co.	$ .2377	59,425.24
Texaco, Inc.	$ .2323	58,075.00
American Oil Company	$ .2529	63,225.00

Item 16	Fuel Oil for Heating	Estimated Quanity	60,000 gallons
Bidder		**Bid**	**Total Bid**
Gulf Oil Corporation		$ .1205	$ 7,230.00
Humble Oil & Refining Co.		$ .1242	7,446.00
Texaco, Inc.		No Bid	
American Oil Company		$ .1206	7,236.00

Item 17	Oil for Heating - Tank Wagon	Estimated Quanity	5,000 gallons
Bidder		**Bid**	**Total Bid**
Gulf Oil Corporation		$ .1627	$ 813.50
Humble Oil and Refining Co.		$ .1452	726.00
Texaco, Inc.		No Bid	
American Oil Company		No Bid	

The City Manager read a memorandum from the Purchasing Agent recommending the awards to the following low bidders and concurred in the recommendation.

Gulf Oil Corporations - Items 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, and 16-$14,192.46

Texaco, Inc.- Items 1, 2 and 10 - $ 85,023.47

Humble Oil and Refining Co. - Items 14, 15 and 17 - $ 5,154.84

Total- $104,370.77

Councilman Ochsenreiter moved that the contracts be awarded as recommended. This motion was seconded by Vice-Mayor Marshall and carried unanimously

RESOLUTION NO. 71-148 - A RESOLUTION APPROVING EXTENSION OF AGREEMENT WITH TRIANGLE CONSULTANT ASSOCIATES, INC.

4. Consideration was given to a resolution approving an extension of agreement with Triangle Consultant Associates, Inc.

The City Manager read the text of the resolution and outlined the pertinent points of the agreement.

Logan Delaney, Model Cities Director, in summarizing Triangle Consultant's work, stated that they had done an excellent job in field of youth participation and he saw a need for further work in this area. He strongly recommended the extension of their contract.

Councilman Dailey moved for the adoption of the resolution. Councilman Ochsenreiter seconded his motion. In the discussion the City Manager commented that he objected to paralellism in government and it was his thought that the youth program in the whole community should be coordinated with Model Cities Programs.

Mayor Wood asked for a vote and the resolution carried unanimously.

APPROVAL DEFERRED ON PARCEL 20 IN CIVIC REDEVELOPMENT PROJECT N.C.R -13

5. Consideration was given to the approval of the sale of Parcel 20 in the Civic Redevelopment Project N C R-13, to the Clyde Savings and Loan Association of Clyde, North Carolina.

Item 9 Gear Lubricant Estimated Quanity 400 pounds

Bidder	Bid	Total Bid
Gulf Oil Corporation	$ .08375 per pound	$ 33.50
Humble Oil and Refining Co.	No Bid	
Texaco, Inc.	$ .0979 per pound	$ 40.33
American Oil Company	$ .0979 (tax not included)	$ 39.16

Item 10 Multi Service Grease Estimated Quanity 1400 pounds

Bidder	Bid	Total Bid
Gulf Oil Corporation	$ .30 per pound	$ 420.00
Humble Oil and Refining Co.	No Bid	
Texaco, Inc.	$ .2850 per pound	$ 410.97
American Oil Company	$ .1751 (Error in Bid)	$ 245.14

Item 11 Wheel Bearing Grease Estimated Quanity 200 pounds

Bidder	Bid	Total Bid
Gulf Oil Corporation	$ .20 per pound	$ 40.00
Humble Oil and Refining Co.	No Bid	
Texaco, Inc.	$ .26 per pound	$ 53.56
American Oil Company	$ .206	$ 41.20

Item 12 Automatic Transmission Oil - Estimated Quanity 90 gallons

Bidder	Bid	Total Bid
Gulf Oil Corporation	$1.20 per gallon	$ 108.00
Humble Oil and Refining Co.	No Bid	
Texaco, Inc.	No Bid	
American Oil Company	$ 1.3802	$ 124.22

Item 13 Automatic Transmission Fluid - Estimated Quanity 132 gallons

Bidder	Bid	Total Bid
Gulf Oil Corporation	$ 1.20 per gallon	$ 158.40
Humble Oil and Refining Co.	No Bid	
Texaco, Inc.	$ 1.30 per gallon	$ 176.75
American Oil Company	$ 1.3802 per gallon	$ 182.19

Item 14 Kerosene Oil Estimated Quanity 8100 gallons

Bidder	Bid	Total Bid
Gulf Oil Corporation	$ .1885 per gallon	$ 1,526.85
Humble Oil & Refining Co.	$ .1524 per gallon	1,234.44
Texaco, Inc.	No Bid	
American Oil Company	No Bid	

Item 15 Diesel Fuel #2 Estimated Quanity 22,000 Gallons

Bidder	Bid	Total Bid
Gulf Oil Corporation	$ .173	$ 3,806.00
Humble Oil and Refining Co.	$ .1452	3,194.40
Texaco, Inc.	No Bid	
American Oil Company	No Bid	

APPROVAL OF CHANGE ORDER NO. C-4 CIVIC CENTER PROJECT

Consideration was given to Change Order No. C-4 with Ranger Construction Company involving the increased depth of the caisson holes, which included the rock and hand excavation.

Mr. Cort, Baber and Wood Architects, explained that the rock encountered in the excavation necessitated the increase in cost. He stated that this change order would increase the contract but would not exceed the contingency fund. The total amount of the change order was $64,160.00

Councilman Ochsenreiter moved to approve the change order. It was seconded by Councilman Bailey and carried unanimously.

ANNOUNCEMENT OF THE JANUARY 27, 1971 MEETING TO BE HELD AT THE EAST ASHEVILLE COMMUNITY CENTER AND SUSPENSION OF REGULAR MEETING ON DECEMBER 30, 1971.

Mayor Wood asked for an expression from Council on a definite date for a previously announced meeting in the East Asheville area, as well as their wishes in regard to the cancellation of the December 30, 1971 meeting.

Councilman Bailey moved that the East Asheville meeting be held on January 27, 1972 in the East Asheville Community Center at 7:30 o'clock P. M. He further moved that the present Council meeting be adjourned to meet again on January 6, 1972.

This motion was seconded by Councilman Morris and carried unanimously.

Adjournment.

Herbert R. Wood Jr.
MAYOR

William J. McElroy
CITY CLERK

Mr. Ray Wheeling, Executive Director of the Housing Authority, made the presentation and explained to Council that the Clyde Savings and Loan offer was the only one that had been received. He said that a two story building was proposed for the site.

In the discussion that followed it was concluded that if approval were withheld more attractive offers, with more extensive improvements might be forth coming. Mr. Wheeling informed Council that the present bid was binding for 60 days from the date of the bid offering.

Councilman Ochsenreiter moved that the approval of the bid be deferred until the last scheduled Council meeting before the expiration of the bid. This motion was seconded by Councilman Morris and unanimously adopted.

APPROVAL OF THE SALE OF PARCEL 49 IN EAST RIVERSIDE URBAN PROJECT N C R-48.

6. Consideration was given to the approval of the sale of Parcel 49 in the East Riverside Urban Project NC R-48 to Brigman Realty and Investment Company.

Mr. Ray Wheeling, Executive Director of the Housing Authority, made the presentation to Council explaining the terms of the sale and that the reuse of the property was the construction of a single family residence.

Councilman Dailey's motion to approve the sale was seconded by Councilman Colton and carried unanimously.

PETITION FOR REZONING OF PROPERTY ON WATERS ROAD AND WAKE ROBIN WAY.

7. Consideration was given to a petition from property owners on Waters Road and Wake Robin Way to rezone their respective property, plus all the property shown on Sheet 29, Ward 8, from RA-6 Residential District to RA-10 Residential District.

Councilman Colton moved that the petition be referred to the Planning and Zoning Commission for study and recommendation. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

MAYOR WOOD AUTHORIZED TO SIGN CHANGE ORDERS FOR CIVIC CENTER PROJECT

8. Consideration was given to the procedure to be followed in approving change orders for the Civic Center Project.

The City Manager advised Council that due to the rock excavation in the basement area of the Civic Center some increased costs have been incurred.

He explained that this would require that a change order be prepared by the architect and approved by a representative of the city. He asked to be advised as to the procedure to be followed in approving these change orders.

Councilman Colton moved that Mayor Wood be authorized to execute any change orders where the unit prices were submitted with the bid, but that Council reserves the right to approve all change orders where unit prices are negotiated after the award of the contract.

Vice-Mayor Marshall seconded this motion and it was unanimously adopted.

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Councilman Ochsenreiter moved that Farm Equipment Company be awarded the contract to furnish Item #1 A-Alternate in the amount of $16,270.91 and that the Flexible Pipe Tool, a Division of Rockwell Manufacturing Company, be awarded the contract to furnish Item #2 in the amount of $ 3,990.00

Vice Mayor Marshall seconded this motion and it was carried unanimously.

RESOLUTION NO. 72-2 - A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH WIN-TEX KNITTING MILLS, INC. FOR FIRE PROTECTION.

3. Consideration was given to a resolution authorizing the Mayor to enter into an agreement with Win-Tex Knitting Mills, Inc. for fire protection outside the City Limits on a first call basis.

The City Manager read the resolution which stated the terms of the contract for this service would be $100.00 per year, plus $50.00 per hour or a minimum of $250.00 for answering any calls to the premises of this company.

Chief Ball explained to Council that the city had three similar contracts now in force and that he had assurance from the Insurance Service Office that this would not affect the insurance rating of the City. The City Manager was directed to look into a new fee schedule for future requests for similar contracts.

Councilman Ochsenreiter moved for the adoption of the resolution. Councilman Morris seconded this motion and it was carried unanimously.

RESOLUTION No. 72-1 - A RESOLUTION APPOINTING MEMBERS OF BOARD OF ELECTRICAL EXAMINERS AND MEMBERS OF BOARD OF EXAMINERS OF MOTION PICTURE OPERATORS

4. Consideration was given to a resolution appointing members of the Board of Electrical Examiners and members of the Board of Motion Picture Operators.

The City Manager read the resolution appointing Frank Davis as representative of the electrical contractors, Rex Blakney as representative for journeymen and Walter Harlow as utility representative as members of the Board of Electrical Examiners; and W. R. Pruitt, Electrical Inspector and Thomas L. King, Assistant Electrical Inspector, as ex-officio members of the Board, all for two year terms beginning July 1, 1971, or until their successors are duly appointed and qualified. The resolution also appointed Mr. H. H. Bowen and Mr. L. B. Simmons, as members of the Board of Examiners of Motion Picture Operators, with W. R. Pruitt and the Board of Electrical Examiners as ex-officio members, all for two year terms beginning July 1, 1971, or until their successors are duly appointed and qualified.

Councilman Dailey stated that even though there were no black journeymen electricians in Asheville who would qualify for membership on this board, he differed with the law and that it was his opinion that a layman should be eligible, he therefore made a motion that Malachi Cromartie be appointed a member of the board. This motion did not receive a second and Councilman Morris moved for the adoption of the resolution. Councilman Hoyle seconded this motion and the resolution was unanimously adopted.

Councilman Dailey then moved that the Corporation Counsel be instructed to prepare a new ordinance for Council's consideration that would enlarge the membership of the Board of Electrical Examiners and include in its membership the appointment of a layman. This motion was seconded by Councilman Hoyle and carried unanimously.

Thursday - January 6, 1972 - 3:00 o'clock P. M.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., J. W. Hoyle, Mr. William C. Moore, substituted as Corporation Counsel for Robert J. Robinson who was out of the city; City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Henry E. Colton, Councilman Ruben J. Dailey.

1. Approval of minutes of December 23, 1971 meeting.

Upon motion of Councilman Morris, seconded by Vice Mayor Marshall the minutes of the December 23, 1971 meeting were approved as submitted.

BID REQUEST NO. 129 - TWO (2) COMBINATION TRACTORS WITH LOADERS AND BACK HOE AND ONE (1) HYDRAULIC POWER SEWER RODDING MACHINE.

2. Consideration was given to bids received on December 30, 1971 for two (2) combination Tractors with Loaders and Back Hoes and One (1) Hydraulic Power Sewer Rodding Machine.

The City Manager read the following bids:

Item #1 Two Industrial Type Tractors with Front Loaders and 14 foot Back Hoes:

Bidder	Total Bid	Delivery Date
Blue Ridge Tractor Company	$ 18,094.00	30 Days
C and H Tractor and Equipment Co.	20,186.00	30 Days

Item # 1 A- Alternate - Two Industrial Type Tractors with Front Loaders and 15 foot Back Hoes

Bidder	Total Bid	Delivery Date
Farm Equipment Company	$ 16,270.91	30 Days
Arden Equipment Company	21,434.78	15 Days
Western Carolina Tractor Co.	18,182.76	30 Days

Item #2 - One Hydraulic Power Sewer Rodding Machine

Bidder	Total Bid	Delivery Date
Tidewater Supply Company	$ 4,473.00	45 Days
Conco, Inc.- O'Brien Mfg. Div.	5,000.00	30 Days
Flexible Pipe Tool- Division of Rockwell Mfg. Company	3,990.00	30-45 Days

The City Manager read a memorandum from the Purchasing Agent recommending that Item #1 A-Alternate and Item #2 be awarded to the low bidders. The City Manager concurred in this recommendation.

COUNCILMAN DAILEY

Councilman Dailey joined the Council and took his seat at 3:08 o'clock P. M.

Thursday- January 13, 1972- 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., J. W. Hoyle, Henry E. Colton, Ruben J. Dailey, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of January 6, 1972 meeting.

Upon motion of Councilman Morris, seconded by Councilman Hoyle the minutes were approved as submitted.

PUBLIC HEARING - WINDSWEPT SUBDIVISION ANNEXATION - ORDINANCE NO. 721

2. A public hearing was held to consider the proposed extension of the City Limits in the Sweeten Creek Road - Caribou Road area; being Sections 2 and 3 of the Windswept Subdivision of the Imperial Land Corporation.

The City Manager advised Council that after due advertisement, today is the date set for the public hearing.

Mayor Wood opened the public hearing at 3:04 o'clock p. m.

Mr. Kmecza, Executive Director of the Planning and Zoning Commission, read the favorable recommendation of his commission based on the planning considerations, leaving the financial considerations to Council.

Mr. Ken Partin, President of the Imperial Land Corporation, spoke in favor of the annexation, and informed Council that it was planned to construct 81 homes in the $18,000.00 to $25,000.00 price range in this subdivision.

The City Manager reviewed the cost/revenue analysis for Council,and advised them that the annexation of completely residential areas was usually a losing proposition.

A lengthy discussion followed revolving around the present need for the construction of homes in the price range proposed.

Mayor Wood closed the public hearing at 3:42 o'clock p. m.

Mayor Wood asked the City Manager to read Ordinance No. 721 - An Ordinance Extending Corporate Limits of the City of Asheville By Annexing Certain Property.

Upon motion of Councilman Colton, seconded by Councilman Dailey, Ordinance No. 721 was unanimously passed on its first reading.

APPROVAL OF THE SALE OF PARCEL 20 IN THE CIVIC REDEVELOPMENT PROJECT NC R-13 TO CLYDE SAVINGS AND LOAN ASSOCIATION.

3. Consideration was given to a request from the Housing Authority of the City of Asheville, that Council approve the sale of Parcel 20 in the Civic Redevelopment Project NC R-13 to the Clyde Savings and Loan Association.

Mr. Ray Wheeling, Executive Director of the Housing Authority, outlined the conditions of the sale and the recommendation of his board. He informed Council

REQUEST TO THE NORTH CAROLINA STATE HIGHWAY COMMISSION TO ERECT NO LEFT TURN SIGNS FROM THE EAST SIDE OF TUNNEL TO CHUNN'S COVE ROAD FROM 4 - 6 O'CLOCK P. M. MONDAY THROUGH FRIDAY.

Councilman Hoyle informed Council that, as their representative, he had been working with the North Carolina State Highway Commission to expedite the traffic through Beaucatcher Tunnel. He said he had found them to be most cooperative, and to date the walls of the tunnel had been painted, and the lights had been cleaned and reworked. He said the Highway Commission would like to go one step further and restrict the left turn movement from the east end of the tunnel to the stop light at the Tunnel Road Shopping Center, from 4- 6 o'clock P. M. on Monday through Friday. Councilman Hoyle said the Highway Department had agreed to erect the necessary signing. He said he felt that this regulation would move the traffic through the tunnel at a faster pace and would relieve the present bottleneck.

Councilman Hoyle then moved that Council request the Highway Commission to proceed with their plans to restrict the left turn movement from the East side of the tunnel, east to the first stop light at the Tunnel Road Shopping Center, from 4 - 6 o'clock P. M. on Monday through Friday.

Councilman Dailey seconded this motion and it carried unanimously.

Adjournment.

Richard A. Wood, Jr.
MAYOR

William J. Walcutt
CITY CLERK

The City Manager read the resolution.

Mr. Fleming Talman, Chairman of the Asheville AA Baseball, Inc., addressed Council and thanked them for their cooperation. He urged Council to approve the authorization for the Mayor to sign the lease agreement for the Baltimore Orioles, stating that he was satisfied that the contract with Baltimore was the finest in Asheville history.

Mr. Talman questioned the City Manager as to the agreement to refurbish McCormick Field and was informed that a letter of understanding was being written covering the work to be done.

Mr. Talman also assured Council that the agreement would be for three years.

Councilman Ochsenreiter moved for the adoption of the resolution. Councilman Hoyle seconded this motion.

A discussion followed concerning the nickname for the Asheville team. Councilman Colton contended that the name Asheville Tourist should be maintained. Mr. Talman contended that the General Manager and the Baltimore Orioles would like to call the team the Asheville Orioles. Councilman Colton moved that the name Asheville Tourist be retained but his motion died for a lack of a second.

Mayor Wood called for a vote and the resolution was unanimously adopted.

DEDICATION OF SOUTH ASHEVILLE BRANCH LIBRARY

Mayor Wood announced the dedication and open house for the South Asheville Branch Library on Sunday, January 23, 1972 from 4:00 - 5:30 o'clock p. m. He urged the Council and other citizens to attend.

TEMPORARY OCCUPANCY PERMIT APPROVED FOR SEARS ROEBUCK AND COMPANY WAREHOUSE IN THE ASHEVILLE MALL.

Consideration was given to a request of R. L. Coleman to issue a temporary Certificate of Occupancy for the Sears Roebuck and Company Warehouse in the Asheville Mall.

Mr. Coleman asked Council to approve the issuance of a temporary occupancy permit for the warehouse portion of the new Sears Roebuck Store in the Asheville Mall. He explained that Sears was experiencing considerable difficulty in trying to operate without the warehouse. He further explained that most of the work required by Council had been completed, but due to the inclement weather some of the work would have to be deferred. He said that the fencing was almost complete but the tree planting would require three or four days of dry weather before planting could continue.

Mr. William Hackney, Sears Asheville Store Manager, explained to Council his operating problems, and said that January 17, 1972 was the latest that Sears could get started using the warehouse and still make the February 23, 1972 opening date. He said he understood that the temporary permit applied only to the warehouse area.

Councilman Morris moved that the Building Inspector be directed to issue a temporary Certificate of Occupancy for the warehouse portion until February 23, 1972, pursuant to their written request. Councilman Hoyle seconded this motion.

that Clyde Savings and Loan had amended their original proposal, and now planned to construct a three story structure on the property.

F. Ed Broadwell, Jr., Vice President of Clyde Savings and Loan Association, spoke in favor of the sale, and reiterated their plans to construct a three story building that would be above ground and not include a basement.

Mr. Tom McCurry also spoke in favor of the sale.

Councilman Ochsenreiter then moved that the sale of Parcel 20, in the Civic Redevelopment Project NC R-13, to the Clyde Savings and Loan Association be approved, for the purpose of constructing a three story building with approximately 15,000 square feet above ground.

This motion was seconded by Councilman Hoyle and carried unanimously.

RESOLUTION NO. 72-3 - A RESOLUTION DESIGNATING THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE AS THE CENTRAL RELOCATION AGENCY FOR THE CITY OF ASHEVILLE.

4. Consideration was given to a resolution designating the Housing Authority of the City of Asheville as the Central Relocation Agency for the City of Asheville.

The City Manager read the resolution, and explained to Council the need for a Central Relocation Agency for the purpose of coordination and administration of relocation activities.

Upon motion of Councilman Dailey, seconded by Councilman Morris, the resolution was unanimously adopted.

RESOLUTION NO. 72-4 - A RESOLUTION AMENDING THE ASHEVILLE COMPREHENSIVE CITY DEMONSTRATION PROGRAM BY ADOPTION AND INCLUSION THEREIN OF A NEW PROJECT ENTITLED AN EMERGENCY ASSISTANCE PROGRAM FOR THE NEEDY TARGET AREA RESIDENTS.

5. Consideration was given to a resolution amending the Asheville Comprehensive City Demonstration Program by adoption and inclusion therein of a new project entitled an Emergency Assistance Program for the Needy Target Area Residents.

The City Manager read the resolution, and asked Mr. Ken Michalove, Municipal Coordinator, to outline the proposed program and the need for it in the target area residents.

In the discussion, several points relative to the approval of the recipients of the proposed emergency assistance program were discussed . Council was assured by Mr. Michalove and Mr. Fisher of the Model Cities Agency, that they would have an opportunity to review the final contract.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, the resolution was adopted unanimously.

RESOLUTION NO. 72-5 - A RESOLUTION AUTHORIZING MAYOR TO ENTER INTO A LEASE FOR McCORMICK FIELD TO PERMIT THE OPERATION OF A CLASS AA BASEBALL FARM CLUB FOR THE BALTIMORE ORIOLES

6. Consideration was given to a resolution authorizing the Mayor to enter into a lease for McCormick Field to permit the operation of a Class AA Baseball Farm Club for the Baltimore Orioles.

Thursday- January 20, 1972- 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Henry E. Colton, Ruben J. Dailey, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman J. W. Hoyle

1. Approval of minutes of January 13, 1972 meeting.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall the minutes were approved as submitted.

ORDINANCE NO. 721 - AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY - (WINDSWEPT SUBDIVISION).

2. Consideration was given to the second reading of Ordinance No. 721, an Ordinance extending the corporate limits of the City of Asheville by annexing certain property; being Sections 2 and 3 of Windswept Subdivision of the Imperial Land Company.

Said Ordinance No. 721 was unanimously passed on its second reading.

RESOLUTION NO. 72-6 - A RESOLUTION PROVIDING FOR THE ISSUANCE OF $3,000,000 AUDITORIUM AND ARTS CENTER BONDS

3. Consideration was given to a resolution providing for the issuance of $3,000,000 Auditorium and Arts Center Bonds.

Councilman Dailey introduced in written form the following resolution which was read:

RESOLUTION PROVIDING FOR THE
ISSUANCE OF

$3,000,000

AUDITORIUM AND ARTS CENTER BONDS

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. The Council has determined and does hereby find and declare:

(a) That an ordinance authorizing $4,000,000 Auditorium Bonds was passed on October 19, 1967, which ordinance was approved by the vote of a majority of the qualified voters of such City who voted thereon at an election duly called and held on December 5, 1967.

(b) That an ordinance authorizing $1,300,000 Civic Arts Center Bonds was passed on October 19, 1967, which ordinance was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held on December 5, 1967.

(c) That for convenience said Auditorium Bonds and said Civic Arts Center Bonds were consolidated into a single issue of $5,300,000 Auditorium and Arts Center Bonds, and all of said $5,300,000 Auditorium and Arts Center Bonds under date of June 1, 1971 were issued.

In the discussion that followed, considerable concern was voiced over the construction of the required berm. It was noted that the berm, fencing and planting would have to be complete before the Certificate of Occupancy for the entire Sears complex would be issued. Mr. Hackney was asked if he understood that if the work was not completed it was possible that this certificate would not be issued in time for the February 23 opening. Mr. Hackney stated that both he and his company were aware of this fact.

Councilman Colton strongly opposed the issuance of the temporary certificate and said he doubted if Council would "have the courage to withhold an occupancy certificate on February 23, if it didn't have the courage to stick by its position."

Mayor Wood asked for a vote and the motion was passed on a 5 - 1 voice vote, with Councilman Colton voting "nay."

Adjournment.

Richard D. Wood

MAYOR

William D. Nolan

CITY CLERK

December 1, 1971, and consisting of 600 bonds of the denomination of $5,000 each, numbered 1 to 600, inclusive. Said bonds shall mature annually December 1, in numerical order, lowest numbers first, $75,000 1974 and 1975, $175,000 1976 to 1991, inclusive, and $50,000 1992, without option of prior payment, and shall bear interest from their date at a rate or rates to be determined by the Local Government Commission of North Carolina at the time the bonds are sold, which interest to the maturity thereof shall be payable on the 1st days of June and December of each year. Both the principal of and the interest on said bonds shall be payable in any coin or currency of the United States of America which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts, at First National City Bank, in the Borough of Manhattan, City and State of New York, or, at the option of the holder or registered owner, at First-Citizens Bank & Trust Company, in the City of Raleigh, North Carolina.

Section 3. Said $3,000,000 Auditorium and Arts Center Bonds shall be executed with the facsimile signatures of the Mayor and the City Clerk and a facsimile of the corporate seal of the City shall be imprinted on the bonds and the interest coupons to be attached to said bonds shall be executed with the facsimile signature of said City Clerk. Said bonds and coupons and the endorsements to be printed upon the reverse of said bonds shall be in substantially the following forms:

No. _____ $5,000

United States of America
State of North Carolina
County of Buncombe

CITY OF ASHEVILLE
Auditorium and Arts Center Bond

The City of Asheville, a municipal corporation in Buncombe County, North Carolina, is justly indebted and for value received

(d) That an ordinance authorizing $3,000,000 Auditorium and Arts Center Bonds was passed on October 21, 1971, which ordinance was approved by a majority of the qualified voters of said City who voted thereon at an election duly called and held on December 14, 1971.

(e) That the proceeds of said $3,000,000 Auditorium and Arts Center Bonds are to be used, with the proceeds of said $5,300,000 Auditorium and Arts Center Bonds, dated June 1, 1971 and with any other available funds, for erecting and constructing the Asheville Civic Center complex and incidental facilities, approaches, plazas, entrances, ways, streets, grounds and parking facilities, including the acquisition of necessary land, apparatus, fixtures and equipment and the relocation and installation of utility lines.

(f) That none of said $3,000,000 Auditorium and Arts Center Bonds authorized by the ordinance passed on October 21, 1971, has been issued, that no notes have been issued in anticipation of the receipt of the proceeds of said bonds, and that it is necessary to issue at this time all of said $3,000,000 Auditorium and Arts Center Bonds.

(g) That the probable period of usefulness of the Asheville Civic Center complex to be constructed from the proceeds of said $3,000,000 Auditorium and Arts Center Bonds is estimated as a period of forty years from October 19, 1968, being a date not later than one year after passage of the two ordinances authorizing the $5,300,000 Auditorium and Arts Center Bonds; and that said period expires on October 19, 2008.

Section 2. For the purposes provided in the ordinance authorizing the bonds, there shall be issued the negotiable coupon bonds of the City of Asheville in the aggregate principal amount of $3,000,000, designated "Auditorium and Arts Center Bonds", dated

issuance of this bond have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within said City sufficient to pay the principal of and the interest on this bond as the same shall become due; and that the total indebtedness of said City, including this bond, does not exceed any constitutional or statutory limitation thereon.

This bond may be registered as to principal alone in accordance with the provisions endorsed hereon.

IN WITNESS WHEREOF, said City of Asheville has caused this bond to be executed with the facsimile signatures of its Mayor and its City Clerk and a facsimile of the corporate seal of the City to be imprinted hereon, and has caused the interest coupons attached hereto to be executed with the facsimile signature of said City Clerk, all as of the 1st day of December, 1971.

Richard A. Wood, Jr.
Mayor

William F. Wolcott, Jr.
City Clerk

Approved as to form:

Robert J. Robinson
Corporation Counsel

(Endorsements on Bonds)

The issuance of the within bond has been approved under the provisions of the Local Government Act of North Carolina.

H. E. BOYLES
Secretary, Local Government Commission

By: _____
Designated Assistant

hereby promises to pay to the bearer or, if this bond be registered, to the registered owner hereof, on the 1st day of December, 19__, the principal sum of

FIVE THOUSAND DOLLARS

and to pay interest thereon from the date hereof at the rate of _____ per centum (_____%) per annum until payment of such principal sum, such interest to the maturity hereof being payable semi-annually on the 1st days of June and December of each year upon the presentation and surrender of the coupons representing such interest as the same respectively become due. Both the principal of and the interest on this bond are payable in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debt, at First National City Bank, in the Borough of Manhattan, City and State of New York, or, at the option of the holder or registered owner, at First-Citizens Bank & Trust Company, in the City of Raleigh, North Carolina. For the prompt payment hereof, both principal and interest as the same shall become due, the full faith and credit of said City of Asheville are hereby irrevocably pledged.

This bond is one of a series issued by said City pursuant to and in full compliance with The Municipal Finance Act, 1921, as amended, and the Local Government Act, as amended, and an ordinance which was approved by the vote of a majority of the qualified voters of said City who voted thereon at an election duly called and held and a resolution duly passed by the Council of said City for the purpose of providing funds, with other available funds, for erecting and constructing the Asheville Civic Center complex for said City.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the

in the City of Raleigh, North Carolina, upon the presentation and surrender hereof, the sum of _____ Dollars in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts, as provided in and for the semi-annual interest then due upon its Auditorium and Arts Center Bond, dated December 1, 1971, numbered _____.

William F. Wolcott, Jr.
City Clerk

Section 4. Said bonds shall be registrable as to principal alone in accordance with the provisions hereinabove provided for endorsement upon said bonds and the Director of Finance is hereby appointed Bond Registrar for the purpose of registering and registering the transfer of said bonds, subject to the right of the governing body of the City of Asheville hereafter to appoint another Bond Registrar. No charge shall be made to any bondholder for the privilege of registration and transfer herein granted.

Section 5. The application of the Director of Finance in applying to the Local Government Commission for the advertisement and sale of said bonds, and the action of the Local Government Commission in asking for sealed bids for said bonds by printing and distributing circulars, be and the same are hereby ratified and confirmed.

Section 6. There shall be printed on the reverse of each of the $3,000,000 Auditorium and Arts Center Bonds to be issued by the City of Asheville under date of December 1, 1971, the legal opinion of Mitchell, Petty & Shetterly, Bond Counsel to the City of Asheville, with respect to the validity of said bonds, and that there shall be printed immediately following such legal opinion a certificate signed with the facsimile signature of the Mayor of the City of Asheville substantially as follows:

PROVISIONS FOR REGISTRATION

This bond may be registered as to principal alone in the Bond Register of the City of Asheville by the Director of Finance as Bond Registrar, at his office in the City of Asheville, or by such other Bond Registrar as may be legally appointed by the governing body of said City upon presentation hereof to the Bond Registrar who shall make notation of such registration in the registration blank below, and thereafter the transfer of this bond may be registered only upon a duly executed assignment of the registered owner or his attorney, in such form as shall be satisfactory to the Bond Registrar, such registration of transfer to be made on such Bond Register and endorsed hereon by the Bond Registrar. Such registration of transfer may be to bearer and thereby transferability by delivery shall be restored, but this bond shall again be subject to successive registrations and registrations of transfer as before. The principal of this bond, if registered, unless registered to bearer, shall be payable only to or upon the order of the registered owner or his legal representative. Notwithstanding the registration of this bond as to principal alone, the coupons shall remain payable to bearer and shall continue to be transferable by delivery.

Date of Registration	Name of Registered Owner	Signature of Bond Registrar
.....	.....	.....
.....	.....	.....
.....	.....	.....

(Form of coupons)

No. _____ $_____

On the 1st day of _____, 19__,

the City of Asheville, a municipal corporation in Buncombe County, North Carolina, will pay to bearer at First National City Bank, in the Borough of Manhattan, City and State of New York, or, at the option of the bearer, at First-Citizens Bank & Trust Company,

BID REQUEST NO. 128 - CHEMICALS FOR TREATMENT OF WATER FOR CALENDAR YEAR 1972

4. Consideration was given to Bid Request No. 128, Chemicals for water treatment for calendar year, 1972.

The City Manager read the following bids received on December 22, 1972.

Bid Request No. 128 - Chemicals for Treatment of Water - Calendar Year, 1972.

Item # 1 - Approx. 225,000 pounds liquid Chlorine

Bidder	Unit Price	Total Bid
Ticar Chemical	$ 7.93 cwt	$ 17,842.50
Moreland Chemical	8.00 cwt	18,000.00
Jones Chemicals	7.93 cwt	17,842.50
Burris Chemicals	8.25 cwt	18,562.50
Howerton-Cowen Chemicals	8.00 cwt	18,000.-0

Item # 2 - 65,000 lbs. Hexametaphosphate (Calgon)

Bidder	Unit Price	Total Bid
Moreland Chemical	$ 11.25 cwt	$ 8,612.50
FMC Corporation	11.70 cwt	7,605.00
Howerton Cowen Chemicals	12.50 cwt	8,125.00
Calgon Corporation (30,000 # truck load)	28.65 cwt	18,622.50
Calgon Corporation (20,000 # truck load)	29.48 cwt	19,160.00

Item # 3 - 425,000 lbs. Caustic Soda

Bidder	Unit Price	Total Bid
Ticar Chemical	$ 2.50 cwt	$ 10,625.00

(Only Bid Received)

Item # 4 - Approx. 425,000 lbs. Hydrofludsilick Acid

Bidder	Unit Price	Total Bid
Ticar Chemical	$ 2.50 cwt	$ 8,125.00
Moreland Chemical	2.50 cwt	8,125.00
Burris Chemical	3.455 cwt	11,118.75

The City Manager read a memorandum from the Purchasing Agent recommending that Ticar Chemical, the low bidder, be awarded the contract on Items 1, 3, and 4. He recommended that Item 2 be deleted as only one company met the specifications. The City Manager explained to Council that the water quality consultants had recommended in their study that a different type and application of Hexametaphosphate be used. It was the intention of the Water Department to initiate this recommendation, and specified the new chemical in the request for bids. Three of the bidders did not bid on the new chemical, and only one met the specifications. Under the circumstances, it was felt that it was in the best interest to delete this item and rebid it at a later date.

Councilman Colton moved that the low bidder, Ticar Chemical, be awarded the contract to furnish Items 1, 3, and 4. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

"I HEREBY CERTIFY that the foregoing is a true and correct copy of the legal opinion on the bonds therein described which was manually signed by Mitchell, Petty & Shetterly, New York, N. Y., and was dated as of the date of delivery of and payment for said bonds.

(Facsimile Signature)
Mayor of the
City of Asheville, North Carolina."

Section 7. This resolution, being a resolution directing administrative action, shall take effect immediately.

Richard A. Wood, Jr.
Mayor

William F. Wolcott, Jr.
City Clerk

Approved as to form:

Robert J. Robinson
Corporation Counsel

Upon motion of Councilman Ochsenreiter, seconded by Councilman Morris, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $3,000,000 AUDITORIUM AND ARTS CENTER BONDS" was passed by the following vote:

Yeas: Councilmen Calvin W. Marshall, Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Henry E. Colton, Ruben J. Dailey.

Nays: NONE.

Thereupon the resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $3,000,000 AUDITORIUM AND ARTS CENTER BONDS" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval of the form thereof.

Mr. Alan Lang, Planning and Zoning Commission staff member, read the recommendation of the Planning and Zoning Commission which denied the proposal.

The City Manager read a letter from Mr. Gary A. Sluder, Attorney for the Kingston Corporation, requesting the proposal be heard at a public hearing.

Upon motion of Councilman Morris, seconded by Councilman Colton, it was moved that a public hearing, to be scheduled for February 17, 1972, be advertised at the Kingston Corporation's expense.

This motion was unanimously adopted.

ZONING ORDINANCE - RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION REGARDING THE REZONING OF THE PROPERTY OF M. L. PARKER AT THE CORNER OF WEST CHAPEL ROAD AND REED STREET.

9. Consideration was given to a recommendation of the Planning and Zoning Commission regarding the rezoning of the property of M. L. Parker, located at the corner of West Chapel Road and Reed Street, from RA-5 Residential District to Neighborhood Trading Area.

Mr. Alan Lang, Planning and Zoning Commission staff member, read the recommendation of the Planning and Zoning Commission which denied the request.

No one appeared regarding the request, and no action was taken by Council.

Petition was denied.

GROUP DEVELOPMENT - SUBDIVISION REVIEW - THE LOMA CORPORATION PROPOSED CONDOMINIUM COMPLEX OFF N. GRIFFING BOULEVARD.

10. Consideration was given to the Planning and Zoning Commission's recommendation regarding the proposed site plan for the Loma Corporation Condominium Complex located off N. Griffing Boulevard.

Mr. Alan Lang, Planning and Zoning Commission staff member, read the favorable recommendation of the Planning and Zoning Commission.

Upon motion of Councilman Ochsenreiter, seconded by Vice-Mayor Marshall, it was moved that a public hearing, to be scheduled for February 10, 1972, be advertised at the Loma Corporation's expense.

This motion was unanimously adopted.

ZONING ORDINANCE - RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION REGARDING THE REZONING OF PROPERTY OWNED BY R. L. COLEMAN, KNOWN AS "THE TRIANGULAR AREA" ON THE ASHEVILLE MALL AMENDED PLAN.

11. Consideration was given to a recommendation of the Planning and Zoning Commission regarding the rezoning of property owned by R. L. Coleman, identified as Ward 8, Sheet 21, Portion of Lot 116, known as the "Triangular Area" on the Asheville Mall Amended Plan, to be rezoned from Roadside Business to RA-6 Residential District.

Mr. Alan Lang, Planning and Zoning Commission staff member, read the favorable recommendation of the Planning and Zoning Commission, and stated that this action was initiated by the Planning Department as it was felt that the property, which is physically separated by a large cut, should not be used for commercial purposes, and should conform to the surrounding residential zoning which is RA-6 Residential District.

ERIC HILL ASSOCIATES - PROGRESS REPORT ON DATA PROCESSING STUDY

5. Council received a progress report on the Information System Feasibility Study, being done by Eric Hill Associates for the Metropolitan Planning Board, through funds obtained from the Model Cities and Community Renewal Programs.

Earl Moses, from the firm of Environmental Data Planning, told Council that his firm would recommend satellite system of mini-computers, which would be used by various departments initially, to be linked together at a later date. This could be done for a cost of from $15,000 to $25,000 a unit and would be less expensive than a large centralized computer. He asked that a member of Council be appointed to act as a liaison with the consultants in order to keep them better informed on the concept that they are trying to develop.

ZONING ORDINANCE - RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION REGARDING THE REZONING OF PROPERTY OFF CHARLOTTE STREET FOR INGLES MARKET.

6. Consideration was given to a recommendation of the Planning and Zoning Commission regarding the rezoning request of Ingles Markets by Robert P. Ingle that a portion of Lot 174, Ward 2, Sheet 16 (located off Charlotte Street) to be rezoned from RA-M Residential District to Neighborhood Trading Area.

Mr. Alan Lang, Planning and Zoning Commission Staff member, read the recommendation of the Planning and Zoning Commission which denied the request.

The City Manager read a letter signed by the agent for the petitioner requesting a public hearing.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Colton, it was moved that the public hearing, to be scheduled for February 10, 1972, be advertised at the petitioner's expense. This motion was unanimously adopted.

ZONING ORDINANCE - RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION REGARDING THE REZONING OF THE PROPERTY OF CHEADLE, MacPHERSON AND OTHERS (located in the Wake Robin Way and Waters Road area).

7. Consideration was given to a recommendation from the Planning and Zoning Commission regarding the rezoning of the property of Cheadle, MacPherson and Others being all the property shown on Sheet 29, Ward 8, to be rezoned from RA-6 Residential District to RA-10 Residential District.

Mr. Alan Lang, Planning and Zoning Commission staff member, read the recommendation of the Planning and Zoning Commission which denied the request.

The City Manager read a letter from Mr. Max O. Cogburn, Attorney for the petitioners, requesting a public hearing.

Upon motion of Vice Mayor Marshall, seconded by Councilman Dailey, it was moved that the public hearing, to be scheduled for February 17, 1972, be advertised at the petitioner's expense. This motion was unanimously adopted.

GROUP DEVELOPMENT - SUBDIVISION REVIEW OF THE SPRUCE HILL APARTMENT COMPLEX (located on Waters Road and Old Haw Creek Road).

8. Consideration was given to a recommendation of the Planning and Zoning Commission regarding a proposed Spruce Hill Apartment Complex located on Waters Road and Old Haw Creek Road.

PROCLAMATION - NATIONAL JAYCEE WEEK

In conjunction with the Buncombe County Commissioners, Mayor Wood proclaimed the week of January 16, 1972 as National Jaycee Week.

DEDICATION OF SOUTH ASHEVILLE BRANCH LIBRARY

Mayor Wood announced that the new South Asheville Branch Library would be officially dedicated at open-house ceremonies from 4:00 to 5:30 p. m. Sunday, January 22, 1972, at the Murphy Community Center in Oakley.

JANUARY 27, 1972 CITY COUNCIL MEETING AT EAST ASHEVILLE COMMUNITY CENTER

Upon motion of Councilman Ochsenreiter, seconded by Councilman Morris, Mayor Wood adjourned the meeting to meet again on January 27, 1972 at 7:30 o'clock p. m. at the East Asheville Community Center. This motion carried unanimously.

Adjournment.

Richard D. Wood Jr.
MAYOR

William J. McCarthy
CITY CLERK

The City Manager read a letter from Mr. Coleman, in which he questioned what the rezoning would do to the land in question. He pointed out that all descriptions included in his leases also included this triangular tract.

Following a discussion, Councilman Dailey moved that action to schedule a public hearing be deferred at this time.

Councilman Ochsenreiter seconded this motion and it carried unanimously.

BID REQUEST NO. 130 - GREENSMOWER FOR THE PARKS AND RECREATION DEPARTMENT

12. Consideration was given to bids received on January 17, 1972 for one (1) Greensmower for the City of Asheville Parks and Recreation Department.

The City Manager read the following bids:

Bid Request No. 130 - Greensmower

Bidder	Bid
R. P. Johnson & Sons, Inc.	$ 2,625.00
Porter Brothers, Inc.	2,779.71
E. J. Smith and Sons (Toro) .	3,084.85
E. J. Smith and Sons (Hahn)	2,987.00

The City Manager read the memorandum from the Purchasing Agent recommending that the contract be awarded to the low bidder, R. P. Johnson and Sons, Inc., in the amount of $2,625.00. The City Manager concurred with this recommendation.

Upon motion by Councilman Morris, seconded by Vice Mayor Marshall, it was moved that the low bid of R. P. Johnson and Sons, Inc. in the amount of $2,625.00 be accepted. This motion carried unanimously.

BID REQUEST NO. 131 - ALTERATIONS TO COMMUNICATIONS ROOM AND LIEUTENANTS OFFICE FOR THE POLICE DEPARTMENT.

13. Consideration was given to bids received January 19, 1972 for the alterations to the Communications Room and Lieutenants Office for the Police Department.

The City Manager read the following bids:

Bid Request No. 131 - Alterations to Communications Room and Lieutenants Office for the Police Department.

Bidder	Bid
C. Glenn Self Company	$ 7,400.00
Cole Construction Company	7,000.00
Merchant Construction Company	6,700.00

The City Manager read a memorandum from the Purchasing Agent recommending the low bid of Merchant Construction Company in the amount of $6,700.00. The City Manager concurred in this recommendation.

Councilman Morris moved that the low bid of Merchant Construction Company, in the amount of $6,700.00, be accepted. This motion was seconded by Councilman Colton and carried unanimously.

and delegate agencies charged with continuing First Action Year activities in the Second Action Year of the Asheville Model Cities Program.

The City Manager read the resolution.

Mayor Wood briefly explained to the audience the Model Cities Program and its impact on the Asheville community.

Councilman Morris questioned Mr. Delany, Model Cities Director, regarding one of the programs that he noted was a new activity in the Citizen Participation Program rather than one continued from the First Action Year. Mr. Delany explained that the money was to be used to provide information services to model neighborhood residences.

Upon motion of Councilman Dailey, seconded by Councilman Hoyle, the resolution carried unanimously.

Complete text of Resolution No. 72-8 will be found in Resolution Book No. 6 at page 162.

RESOLUTION NO. 72-9 - A RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO FILE AN APPLICATION FOR A GRANT TO ACQUIRE AND DEVELOP OPEN SPACE LAND.

5. Consideration was given to a resolution authorizing the City of Asheville to file an application for a grant to acquire and develop open space land.

The City Manager read the resolution and called on Mr. Ray Kisiah, Director of Parks and Recreation, to explain the program to Council.

Mr. Kisiah pointed out that the Parks and Recreation Department had drawn up a plan to purchase land and develop three new parks and to develop and upgrade seven existing facilities. He said that, through the use of Federal Aid, Model Cities Contributions, force account work within the Parks Department and funds already earmarked for park purposes, the City could realize $939,295.00 in renovations and development for an estimated cost of $5,122.50 in new funds.

MAYOR WOOD TURNED MEETING OVER TO VICE-MAYOR MARSHALL

Mayor Wood, having explained at the beginning of the meeting that he had a previous meeting and would have to leave early, turned the meeting over to Vice-Mayor Marshall at 8:00 o'clock p. m.

A discussion followed, in which Council questioned Mr. Kisiah on several points regarding the grant application.

Upon motion of Councilman Morris, seconded by Councilman Dailey, the resolution carried unanimously.

Complete text of Resolution No. 72-9 will be found in Resolution Book No. 6 at page 164.

QUOTATIONS FOR THE INSTALLATION OF TELEPHONE CONDUIT BETWEEN BUNCOMBE COUNTY COURT HOUSE AND THE CITY HALL

6. Consideration was given to quotations for the installation of an underground telephone conduit system between the Buncombe County Court House and City Hall.

The City Manager read the following quotations:

Thursday - January 27, 1972 - 7:30 o'clock p. m.
Meeting held at East Asheville Community Center

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Henry E. Colton, Ruben J. Dailey, J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/ City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of the January 20, 1972 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, the minutes were approved as submitted.

ORDINANCE NO. 721 - AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE BY ANNEXING CERTAIN PROPERTY (Windswept Subdivision).

2. Consideration was given to the third and final reading of Ordinance No. 721, an Ordinance extending the Corporate Limits of the City of Asheville by annexing certain property; being Sections 2 and 3 of Windswept Subdivision of the Imperial Land Company.

In the discussion Councilman Ochsenreiter repeated his previous opinion that some open space for parks should be included in developments of this type. He said that he was unable to contact the developer directly but his legal counsel had assured him that every effort would be made to establish some open space.

Said Ordinance No. 721, was passed unanimously on its third and final reading.

Complete text of Ordinance No. 721, will be found in Ordinance Book No. 5, Pages 203,204.

RESOLUTION NO. 72-7 - A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION

3. Consideration was given to a resolution authorizing the mayor to execute a right of way encroachment agreement with the North Carolina State Highway Commission for the construction of a 6" C. I. pipe water line and an 8" sanitary sewer along and across N. C. 63, to serve a new development on Leicester Highway known as "Plateau Plaza."

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Morris, Resolution No. 72-7 was unanimously adopted.

Complete text of Resolution No. 72-7 will be found in Resolution Book 6, at page 161.

RESOLUTION NO. 72-8 - A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO COOPERATION AGREEMENTS AND OR THIRD PARTY CONTRACTS BETWEEN THE CITY OF ASHEVILLE AND DELEGATE AGENCIES CHARGED WITH CONTINUING FIRST ACTION YEAR ACTIVITIES IN THE SECOND ACTION YEAR OF THE ASHEVILLE MODEL CITIES PROGRAM

4. Consideration was given to a resolution authorizing the mayor to enter into cooperation agreements and/or third party contracts between the City of Asheville

Mr. Carl Noblet commended the Council on the work they were doing, and asked for some improvement on the brush pick-up service.

Mrs. June Hillyer told Council that some means of safe access is needed to enable children to cross Tunnel Road to the Library and Community Center. The City Manager promised a conference between the Safety Engineer and the State Highway Department.

Mr. Carl Harris reported a dangerous curve on Avon Road, he asked that signs be posted and brush along the right of way be trimmed.

Vice Mayor Marshall adjourned the meeting to meet again in the Council Chamber of the City Hall at 12:00 o'clock noon February 1, 1972, for the purpose of reviewing the bids on the $3,000,000 Civic Center Bonds.

Adjournment.

Richard D. Woodke
MAYOR

William J. Malcolm
CITY CLERK

Bidder	Quotations
Hyatt Electric Company	$ 2,177.90
M. B. Haynes Electric Company	4,469.00
Hayes and Lunsford Electric Company	2,197.00

The City Manager read the memorandum from the Purchasing Agent concurring with Mr. Cocke and Mr. Pinkston that the contract be awarded to the low bidder, Hyatt Electric Company.

The City Manager informed Council that this installation was necessary to a new telephone system called Centrex, which was being developed for the City Hall and the Court House. He said the new system would be more convenient for the public and employees and would amount to a considerable annual savings in salaries and telephone charges.

Councilman Colton moved to accept the low bid and award the contract to Hyatt Electric Company in the amount of $2,177.90. He further moved that payment be made from the contingency fund, and that the Director of Finance be advised to include this amount in the next transfer of funds from the contingency account to the general fund.

This motion was seconded by Councilman Hoyle and was unanimously adopted.

RESOLUTION NO. 72-10 - RESOLUTION APPOINTING MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD

Consideration was given to a resolution re-appointing C. LeRoy Robinson to the Metropolitan Sewerage District Board for a period of three years beginning January 19, 1972.

Upon motion of Councilman Morris, seconded by Councilman Colton, the resolution was unanimously adopted.

Complete text of Resolution No. 72-10 will be found in Resolution Book No. 6, at page 169.

LETTER FROM COUNCIL TO DR. ROBERT CROUCH

At the request of Vice-Mayor Marshall, Councilman Hoyle read a letter addressed to former Councilman Dr. Robert Crouch. The letter expressed their appreciation for his past service to the community and offered their encouragement for a speedy recovery from his recent illness. The letter was signed by all seven members of the Council.

MEETING OPENED TO PUBLIC FOR COMMENTS

Vice-Mayor Marshall opened the meeting to the public for comments and criticism.

Mr. [illegible] Clarity, Mr. Roy Trent and Mr. Robert McPhearson all spoke in opposition to the Spruce Hill Apartment Complex proposed for the Waters Road- Old Haw Creek Road area. They also voiced their concern over the present zoning and the future planning for the development of the Haw Creek area. Vice-Mayor Marshall informed them that a public hearing on the matter was being scheduled at the regular Council meeting on February 17, 1972.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., Henry E. Colton, Ruben J. Dailey, J. W. Hoyle, Corporation Counsel Robert J. Robinson.

Mayor Wood noted that City Manager Phin. Horton III and Assistant City Manager/City Clerk William F. Wolcott, Jr. were out of town and Mr. Ken Michalove would assume the responsibilities of Acting City Clerk.

Absent: Councilman Eugene C. Ochsenreiter

1. Approval of minutes of the regular meeting of January 27, 1972 and the special meeting of February 1, 1972.

Upon motion of Councilman Hoyle, seconded by Councilman Morris, the minutes were approved as submitted.

COUNCILMAN OCHSENREITER JOINS MEETING.

Councilman Ochsenreiter took his regular seat at 3:05 o'clock p. m.

ORDINANCE NO. 722 - AN ORDINANCE AMENDING 1971-72 BUDGET ORDINANCE NO. 701

2. Consideration was given to an ordinance amending the 1971-72 Budget Ordinance No. 701.

Mr. Ernest Ward, Finance Director, read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Colton, Ordinance No. 722 was unanimously passed on its first reading.

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS DISPENSED WITH

In order to expedite the passage of the ordinance and because it dealt with administrative matters Councilman Dailey moved to suspend the rules and call for the second reading at this time. This motion was seconded by Councilman Hoyle and carried unanimously.

Mayor Wood called for the second reading which passed unanimously.

Councilman Morris moved to suspend the rules and call for the third reading. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Mayor Wood called for the third and final reading and the ordinance passed unanimously.

Ordinance No. 722 was passed unanimously on its third and final reading.

Complete text of Ordinance No. 722 will be found in Ordinance Book No. 5 at page 204 .

ORDINANCE NO. 723 - AN ORDINANCE AUTHORIZING EXPENDITURES OF A PORTION OF CONTINGENCY APPROPRIATION.

3. Consideration was given to an ordinance authorizing expenditures of a portion of contingency appropriation.

Tuesday- February 1, 1972- 12:00 o'clock noon

Special Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Henry E. Colton, Ruben J. Dailey, J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

BIDS ON $3,000,000 CIVIC CENTER BONDS

1. Consideration was given to bids taken by the Local Government Commission at 11:00 o'clock a. m. on February 1, 1972 on $3,000,000 Civic Center Bonds.

The City Manager informed Council that bids had been received on the $3,000,000 Civic Center Bonds and cited the following bids:

Bidder	Bid
First Citizens Bank & Trust Co. Bank of Asheville North Carolina National Bank	4.479%
Merrill, Lynch, Pierce, Fenner and Smith Inc.	4.5086%
Morgan Guaranty Trust First Union National Bank of North Carolina	4.6846%
Wachovia Bank and Trust Company and Associates	4.7170%
Phelps, Fenn and Company	4.6277%

All bids above are at par except Wachovia Bank and Trust Company and Associates bid a premium of $600 and Morgan Guaranty Trust and First Union National Bank of North Carolina bid a premium of $107.

He reported that the apparent low bidder was the joint venture of First Citizens Bank and Trust Company, Bank of Asheville and North Carolina National Bank with a low bid of 4.479%. He said he felt these bids were extremely favorable and subject to official confirmation he would recommend acceptance of the low bid.

Councilman Ochsenreiter moved that the low bid of 4.479%, submitted by the First Citizens Bank and Trust Company, Bank of Asheville and North Carolina National Bank, be accepted subject to official confirmation. This motion was seconded by Councilman Hoyle and was carried unanimously.

Upon motion of Councilman Dailey, seconded by Councilman Morris it was moved that the meeting be adjourned to meet again on Thursday, February 3, 1972. This motion carried unanimously and Mayor Wood adjourned the meeting.

Adjournment

Richard A. Wood, Jr.
MAYOR

William F. Wolcott, Jr.
CITY CLERK

Mr. Johnson said that the site had met the requirements to his satisfaction, and he had issued a Certificate of Occupancy to Sears Roebuck & Company, as of February 1, 1972.

Adjournment.

Richard J. Woodbridge
MAYOR

William J. McCarthy
CITY CLERK

Mr. Ernest Ward, Finance Director, read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Ordinance No. 723 was unanimously passed on its first reading.

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS DISPENSED WITH

In order to expedite the passage of the ordinance and because it dealt with administrative matters Councilman Morris moved to suspend the rules and call for the second reading at this time. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Mayor Wood called for the second reading which passed unanimously.

Councilman Morris moved to suspend the rules and call for the third reading. This motion was seconded by Councilman Hoyle and adopted, on a 6 - 1 voice vote, with Councilman Ochsenreiter voting no.

Mayor Wood called for the third and final reading and the ordinance passed unanimously.

Ordinance No. 723 was passed unanimously on its third and final reading.

Complete text of Ordinance No. 723 will be found in Ordinance Book No. 5, page 205.

RESOLUTION NO. 72-11 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE SUBLEASE ON BEHALF OF THE CITY DEMONSTRATION AGENCY FOR A PORTION OF THE PREMISES KNOWN AS "LUCY HERRING SCHOOL.

Consideration was given to a resolution authorizing the Mayor to execute a sublease on behalf of the City Demonstration Agency for a portion of the premises known as "Lucy Herring School", the premises to be used for the operation of a day care center under the Comprehensive Child Development Program.

Mr. Ken Michalove, Acting City Clerk, read the lease.

Upon motion of Councilman Dailey, seconded by Vice-Mayor Marshall, the resolution was unanimously adopted.

Complete text of Resolution No. 72-11 will be found in Resolution Book No. 6, page 166.

PROCLAMATION - ELECTRICAL WEEK

Mayor Wood proclaimed the week of February 6th as Electrical Week.

PROCLAMATION - AMERICAN HISTORY MONTH

Mayor Wood proclaimed the Month of February as American History Month.

STATUS OF THE ASHEVILLE MALL

Mr. Ed Seitz, Asheville Citizen News reporter, asked the City Council to comment on the status of the Asheville Mall construction project.

Mayor Wood called upon J. E. Johnson, Chief Building Inspector, for a report.

the Town Mountain Road.

A lengthy discussion followed regarding the access roads and the amendment to the site plan.

Mayor Wood closed the public hearing at 3:40 o'clock p. m.

Councilman Dailey moved that the site development plan be approved subject to an amendment indicating a right of way to Town Mountain Road. This motion was seconded by Councilman Colton. There was further discussion on the motion which concluded with Councilman Dailey withdrawing his previous motion and substituting thereto a motion that the matter be deferred until the February 17, 1972 meeting. Councilman Colton seconded this motion and it carried unanimously.

ZONING OF IMPERIAL LAND COMPANY'S WINDSWEPT SUBDIVISION SECTIONS 2 AND 3 TO RA-5 RESIDENTIAL DISTRICT.

4. Consideration was given to the zoning of Imperial Land Company's newly annexed Windswept Subdivision, Sections 2 and 3, to RA-5 Residential District.

Alan Lang, Planning Department Staff, read the memorandum from the Planning and Zoning Commission recommending this zoning.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, it was moved that the matter be set for public hearing on March 2, 1972. This motion carried unanimously.

SITE PLAN FOR BEAR CREEK APARTMENT COMPLEX

5. Consideration was given to the proposed site plan for the Bear Creek Apartment Complex, located on Bear Creek Road, south of Patton Avenue.

Alan Lang, Planning Department Staff, read the favorable recommendation of the Planning and Zoning Commission.

Upon motion of Councilman Colton, seconded by Councilman Morris, it was moved that a public hearing be set for March 2, 1972, and that the public advertisement be at the petitioners expense. This motion carried unanimously.

RESOLUTION NO. 72-12 - A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION

Consideration was given to a resolution authorizing the mayor to execute a right of way agreement with the State Highway Commission for the construction of a 2" water line on State Highway 151.

Councilman Morris moved for the adoption of the resolution. Councilman Ochsenreiter seconded this motion and it carried unanimously.

PRIVATE PLANE ACCIDENT AT ASHEVILLE AIRPORT

The City Manager informed Council that on the night of February 9, 1972 a small plane landed at the Asheville Airport with its landing gear retracted. He stated that even though no one was injured, considerable damage was done to the plan and that traffic was disrupted for a period of time. He said that the emergency procedures, previously adopted by Council, were put into effect and he wanted to report that the results were very satisfactory.

Thursday- February 10, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Henry E. Colton, Ruben J. Dailey, J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Calvin W. Marshall

1. Approval of minutes of the February 3, 1972 meeting.

Upon motion of Councilman Morris, seconded by Councilman Hoyle the minutes were approved as submitted.

PUBLIC HEARING - REZONING OF A PORTION OF LOT 184, WARD 2, SHEET 16 (INGLES MARKETS, LOCATED OFF CHARLOTTE STREET).

2. A public hearing was held to consider the rezoning request of Ingles Markets to rezone a portion of Lot 174, Ward 2, Sheet 16 (located off Charlotte Street).

Mayor Wood opened the public hearing at 3:03 o'clock p. m.

The City Manager read the affidavit of publication and Mayor Wood called on Alan Lang of the Planning Staff who read the Planning and Zoning Commissions recommendation denying the request.

Mr. Bill Clendenin, representing Mr. Ingle, appeared before Council, and stated that rather than cause any controversy he would withdraw the request for rezoning.

Mayor Wood closed the public hearing at 3:10 o'clock p. m.

Petition was dismissed at the request of the petitioner.

PUBLIC HEARING - GROUP DEVELOPMENT - SUBDIVISION REVIEW - THE LOMA CORPORATION PROPOSED CONDOMINIUM COMPLEX

3. A public hearing was held to consider the approval of the proposed site plan for The Loma Corporation Condominium Complex off N. Griffing Boulevard.

Mayor Wood opened the public hearing at 3:11 o'clock p. m.

The City Manager read the affidavit of publication.

Alan Lang of the Planning Staff read the favorable recommendation of the Planning and Zoning Commission.

Mr. Phil Carson, attorney representing residents of N. Griffing Boulevard, appeared and stated that it was the feeling of his clients that, due to the narrow and winding condition of N. Griffing Boulevard, the increased traffic generated by the proposed construction would constitute a safety hazzard. He said his clients would object to this unless the present road was improved or other access provided.

Dr. Logan Robertson, president of The Loma Corporation, explained that the condominiums were to be for single family occupancy and it was his opinion that since Town Mountain Road was more convenient to the project than N. Griffing Boulevard, most of the traffic would use this route. He further stated that he would amend the site plan and indicate construction and dedication of a road from the site to a point near

Councilman Hoyle told Mr. Jones that he felt that the restriction would work out the traffic problem if given sufficient time. He said that it was admitted that the signs were too small to be effective but that this mistake was being corrected. He asked Mr. Jones to let him try the larger signs, and to come back to Council if the signs did not work out.

Adjournment.

Richard D. Woodside
MAYOR

Norman D. Metcalf Jr.
CITY CLERK

REQUEST OF SERVICE DISTRIBUTING COMPANY FOR PUBLIC HEARING ON REZONING REQUEST.

Consideration was given to a request of Service Distributing Company, Inc. that they be given a public hearing on the rezoning request for Lots 23 and 24, Ward 7, Sheet 5 (located at the corner of West Chapel Road and Reed Street) to be rezoned from RA-5 Residential District to Neighborhood Trading Area.

The City Manager read the letter of request and informed Council that this rezoning was previously denied in the recommendation of the Planning and Zoning Commission.

Councilman Morris moved that a public hearing be set for March 16, 1972, and that the public notice be advertised at the petitioners expense. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

COUNCILMAN COLTON EXCUSED FROM MEETING

Mayor Wood excused Councilman Colton from the Council meeting at 4:05 o'clock p. m.

POSITION CHANGES UNDER THE EMERGENCY EMPLOYMENT ACT

Consideration was given to position changes under the Emergency Employment Act.

The City Manager requested that Council approve certain changes in positions now established under the Emergency Employment Act.

1. That the position of Collections Assistant be deleted and that the possible substitution of other positions be investigated.

2. That the title of Warrant Officers be changed to Police Aides and that two seasoned police officers be assigned as Warrant Officers.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, the request was unanimously approved.

LIVINGSTON STREET SCHOOL AND NORTH ASHEVILLE COMMUNITY CENTER COUNCIL MEETINGS SCHEDULED

Consideration was given to setting specific dates for the neighborhood Council meetings to be held at Livingston Street School and the North Asheville Community Center.

Upon motion by Councilman Ochsenreiter, seconded by Councilman Dailey, the Livingston Street School meeting was set for February 24, 1972 at 7:30 o'clock p. m. and the North Asheville Community Center meeting was set for March 23, 1972 at 7:30 o'clock p. m. This motion carried unanimously.

CALVIN JONES REQUESTS LEFT TURN RESTRICTION ON TUNNEL ROAD BE LIFTED.

Calvin Jones, co-owner of Babe's Drive Inn, on Tunnel Road, asked Council to use their influence with the State Highway Commission to have the no left turn restriction on Tunnel Road lifted. He said that his business had decreased 25 per cent since the restriction was imposed and he could not see any improvement in the flow of traffic through the tunnel

Mayor Wood asked for a second to this motion and when he did not receive one he declared that the motion failed for a lack of a second.

The discussion continued with Mr. Gran Childress, of 403 North Griffing Boulevard, speaking in opposition to the development, mentioned the safety aspect in regard to the narrow roads. He stated that he felt enough question had been raised for Council to defer action until they had a time for further study.

Councilman Colton stated that he felt that condominiums were new and it was his opinion that further study should be made by the Planning Department. Councilman Ochsenreiter concurred in this opinion.

Councilman Colton then moved that the matter be referred to the Planning and Zoning Commission for further study and recommendation. This motion was seconded by Councilman Ochsenreiter. Mayor Wood called for a voice vote and the motion passed by a 4-3 margin.

PUBLIC HEARING ON THE SITE PLAN FOR THE SPRUCE HILL APARTMENT COMPLEX (WATERS ROAD AND OLD HAW CREEK ROAD).

3. A public hearing was held to consider the approval of the site plan for the Spruce Hill Apartment Complex located in the vicinity of Waters Road and Old Haw Creek Road.

Mayor Wood opened the public hearing at 4:07 o'clock p. m.

The City Manager read the affidavit of publication and called Council's attention to a letter from the Kingston Corporation requesting the public hearing.

Mr. Alan Lang, of the Planning Staff, was called on to read a memorandum from the Planning and Zoning Commission which denied the approval of the site plan.

Mr. Gary Sluder, attorney for the Kingston Corporation, addressed the Council and noted that even though the Planning and Zoning Commission denied the approval, the Planning Staff did recommend it. He outlined the background of the Kingston Corporation and covered in detail the many aspects of the F.H.A. 236 project that his client proposed to construct on the site. He presented Council with a letter from the City of Asheville Water Department stating that water and sewer was available to the site. He covered the crowded conditions of Haw Creek Elementary School and the Reynolds High School and countered with the statement that most schools in the county were crowded, but that Reynolds High School was high on the priority list for future additions. He stated that his client had invested considerable amount of money developing the plans for the project and that they had followed the requirements of the Planning Staff in complying with the Zoning Ordinance.

Thursday - February 17, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Henry E. Colton, Ruben J. Dailey, J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of February 10, 1972 meeting.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall the minutes of the February 10, 1972 meeting were approved as submitted.

CONTINUATION OF THE DISCUSSION ON THE LOMA CORPORATION CONDOMINIUM COMPLEX-GROUP DEVELOPMENT PLAN.

2. Consideration was given to the continued discussion on the approval of the site plan of the Loma Corporation Condominium Group Development, which was deferred from the February 10, 1972 meeting.

Mr. Alan Lang, Planning Department Staff, read the favorable recommendation of the Planning and Zoning Commission.

Dr. Logan Roberson, President of the Loma Corporation, reported to Council that he had complied with their request and that a right of way had been surveyed, dedicated and recorded from the site to the upper end of Patton Mountain Road which would afford access to Town Mountain Road.

Mr. Philip Carson, attorney for the residents of North Griffing Boulevard and Sunset Mountain, addressed Council on behalf of his clients and reiterated his previous contentions that the increased traffic that would be created by this project would definitely be a safety hazzard and objectionable to his clients. He further stated that in making their review the planning staff had not taken into consideration the future use of the property if it should be annexed. He also cited other omissions that he felt should be given futher study. He asked Council to withhold their approval until all requirements of the subdivision ordinance had been met.

A lengthy discussion followed involving the application and interpretation of the subdivision ordinance. At the conclusion, Councilman Ochsenreiter moved that the City Attorney and Mr. Lang of the Planning and Zoning Commission, review the entire plans to make sure that any technicalities that might be involved in this group development project are clear, before continuing with the hearing.

Councilman Morris asked Mr. Robinson if Council had a choice. Mr. Robinson told Council that they did have a choice in their decision in that; (1) whether the applicant complied with Section 9 C (2) of the Zoning Ordinance (2) whether there is adequate recreational area within the project. Based on a decision on these points Council could turn the project down.

Councilman Ochsenreiter stated that due to the crowded school situation and the inadequate recreational area, he was inclined to disapprove the plan.

Mayor Wood asked Mr. Robinson if Council had any discretion in the school situation. Mr. Robinson responded in the negative and said that if people were going to live in an area, government would have to respond to that need and provide schools, streets and other public facilities.

Mayor Wood asked Mr. Horton, City Manager, for his comment. Mr. Horton said, "It is a fact that governmental authorities have legislative authority to enact whatever measures are necessary to provide for school needs. Somewhere along the line Buncombe County has not exercised their judgement to keep up with school construction. Government must be reactive to the need and it would be incumbent on another level of government to satisfy the school needs. I do not think that is a material part of your consideration as to whether or not your zoning powers have or have not been met. The provision of the utilities is now in the province of the City of Asheville. Just as in the Shelburne Road case, the provision of adequate roads and sidewalks is the governmental responsibility of the City."

"If you fail to do this, it is not fair to penalize the property owner for your failure to provide these facilities. Just as it is not fair to penalize this property owner for the lack of school facilities."

Again the question of the legality of the application was raised by Council and the discussion was concluded with a motion by Councilman Colton that the original motion be amended to approve the site plan contingent upon the filing of such additional evidence of the applicants authority as the applicant desires to file. Such evidence is to be presented within five (5) days. This motion was seconded by Councilman Hoyle. The amendment carried unanimously.

Mayor Wood then asked for a voice vote on the motion that the Spruce Hill Apartment Site Plan be approved, contingent on the applicant filing such additional evidence of authority as the applicant desires to file. Such evidence is to be presented within five (5) days.

The motion carried on a 4-2 vote.

(Due to the length of the hearing, no effort was made to record the minutes verbatim. However, a tape recording of the proceedings, in their entirety, is available in the City Clerk's Office).

PUBLIC HEARING- REZONING OF ALL PROPERTY SHOWN ON SHEET 29, WARD 8, BUNCOMBE COUNTY TAX MAPS, TO BE REZONED FROM RA-6 RESIDENTIAL TO RA-10 RESIDENTIAL.

4. A public hearing was held to consider a rezoning request to rezone all the property shown on Sheet 29, Ward 8, Buncombe County Tax Maps, to be rezoned from RA-6 Residential to RA-10 Residential.

Mr. Tom McMann, a member of the Kingston Corporation Staff, in answer to several questions posed by Council, stated that his company would build and manage the apartments and would keep a manager in residence. He said that his company would always be the general partner and liable for maintenance.

Mr. Max Cogburn, attorney for a group of residents of the Haw Creek Section, spoke in opposition to the site plan. He directed Councils' attention to Section 9, Paragraph C, subparagraph 2 of the Zoning Ordinance. He claimed that the Kingston Corporation did not own the property as required, and that it was not the owner's duly and legally authorized agent. He questioned the legality of the application. A lengthy discussion followed between Mr. Cogburn, Mr. Sluder and Mr. Robert Robinson, City of Asheville Corporation Counsel, involving the legal aspects and interpretation of the section of the ordinance in question. The point was not resolved, and Mayor Wood ruled that the hearing would be resumed.

Mr. Cogburn referred at this time to Section 9, Paragraph C, Subparagraph 4 (c) of the Zoning Ordinance relating to requirements as may be considered essential for the protection of the public health, safety, welfare and convenience. He asked Council for an opinion on the relevancy of the crowded school conditions as it would pertain to this section of the ordinance.

Mayor Wood informed him that in the recent Shelburne Road Apartment hearing, the Corporation Counsel had written an opinion to the effect that traffic should not be taken into consideration as an issue. He said he felt that in this case the school situation was similar and that Council should be guided by Mr. Robinson's previous opinion.

Mr. Cogburn then made reference to Section 9, Paragraph C, Subparagraph 4 (c) of the Zoning Ordinance, which stipulates that provision must be made for "safe location of play areas for children and other recreational areas according to the concentration of occupancy." Mr. Cogburn contended that the area shown on the site plan was inadequate for the number of people that would be living in the project. There was considerable discussion on this point after which Mr. Cogburn requested that approval be withheld until further study could be made on the several points that he presented.

At the request of a person in the audience, Mr. Fred Martin, Superintendent of the County Schools, outlined the crowded conditions of all the County Schools and stressed that mobile units were now being used in both the Haw Creek Elementary and Reynolds High School.

Dr. Robert MacPherson, 25 Wake Robin Way, and Mr. Marvin Seiple, 16 Cisco Road, spoke in opposition to the apartment complex.

Mayor Wood closed the public hearing at 6:53 o'clock p. m.

Councilman Morris moved that the site plan be approved. This motion was seconded by Councilman Dailey.

A lengthy discussion followed on all the points set forth by all parties.

Item 6-7 4,000 Lin. Ft. 14" - 16" Cast Iron Pipe

Bidder	Total Bid	
Glamorgan Pipe and Foundry	$ 32,120.00	
Lynchburg Foundry	31,200.00	award
A M Cast Iron Pipe Company	32,120.00	
U S Pipe and Foundry	32,780.00	

Items 8 - 23 66 Fittings 6" - 12" - 250# Cast Iron Fittings

Bidder	Total Bid	
Glamorgan Pipe and Foundry	$ 2,588.56	
Lynchburg Foundry	2,483.02	
A M Cast Iron Pipe Company	2,546.37	
U S Pipe and Foundry	2,899.76	
Southern Meter and Supply	2,436.76	award
Silverman Company	2,496.43	

Items 24 -27 8 Fittings 14" 150# C.I.M.J.

Bidder	Total Bid	
Glamorgan Pipe and Foundry	$ 880.70	
Lynchburg Foundry	843.58	
A M Cast Iron Pipe Company	866.70	
U S Pipe and Foundry Company	982.76	
Southern Meter and Supply Company	1,002.68	
Silverman Company	838.98	award

Items 28-31 8 Fittings 16" 150# C.I.M.J.

Bidder	Total Bid	
Glamorgan Pipe and Foundry	$ 1,091.46	
Lynchburg Foundry	1,044.74	
A M Cast Iron Pipe Company	1,073.92	
U S Pipe and Foundry	1,219.94	
Southern Meter and Supply Company	1,210.12	
Silverman Company	1,047.86	award

Items 32 - 45 88 Fittings 6" - 16" 150# and 250# C.I.M.J.

Bidder	Total Bid	
Glamorgan Pipe and Foundry	$ 6,642.31	
Lynchburg Foundry	6,361.06	
A M Cast Iron Pipe Company	6,598.41	
U S Pipe and Foundry	7,450.41	
Southern Meter and Supply	6,282.61	award
Silverman Company	6,377.25	

Items 46 - 49 8 Fittings 4" - 16" 150# - 250# C.I.M.J.

Bidder	Total Bid	
Glamorgan Pipe and Foundry	$ 371.80	
Lynchburg Foundry	357.09	
A M Cast Iron Pipe Company	365.96	
U S Pipe and Foundry	414.53	
Southern Meter and Supply	361.87	award
Silverman Company	410.87	

Mayor Wood opened the public hearing at 7:37 o'clock p. m.

The City Manager read the affidavit of publication.

Councilman Ochsenreiter moved to continue the public hearing, without further public notice, until the regular Council meeting on March 2, 1972. Vice-Mayor Marshall seconded this motion and it carried unanimously.

MRS. CHARLOTTE McKINNEY - AID FOR WEST ASHEVILLE COMMUNITY CENTER

5. Mrs. Charlotte McKinney appeared before Council and requested assistance for the West Asheville Community Center. Mayor Wood asked her to leave the information with the City Clerk and that a staff member would make an investigation.

COUNCILMAN COLTON EXCUSED FROM MEETING

Mayor Wood excused Councilman Colton from the meeting at 7:45 o'clock p.m.

RESOLUTION NO. 72-14 - A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH ASHEVILLE ELEVATOR COMPANY FOR THE ELEVATOR FABRICATION AND INSTALLATION IN THE ASHEVILLE CIVIC CENTER.

6. Consideration was given to a resolution authorizing the mayor to enter into a contract with Asheville Elevator Company for the elevator fabrication and installation in the Asheville Civic Center.

The City Manager read the resolution.

Mr. John Cort, representing Baber and Wood Architects, recommended the low bid of the Asheville Elevator Company. He explained that the bid represented less than 8% increase over the bids not accepted two years ago.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, the resolution was unanimously adopted.

BID REQUEST #132- 12 MONTH REQUIREMENTS - CAST IRON PIPE, FITTINGS, VALVES, TAPPING SLEEVES AND VALVES AND FIRE HYDRANTS.

7. Consideration was given to bids received at 10:00 o'clock a. m. on February 14, 1972 for a 12 month requirement of cast iron pipe, fittings, valves, tapping sleeves and valves and fire hydrants for the City of Asheville Water Department.

The following bids were received:

Item 1-5 . . 40,000 Lin. Ft. - 4" - 12" Cast Iron Pipe

Bidder	Total Bid	
Glamorgan Pipe and Foundry	$ 105,720.00	
Lynchburg Foundry	102,580.00	award
A M Cast Iron Pipe Company	105,740.00	
U S Pipe and Foundry	107,960.00	

Items 77- 80 8 Class D T.S. and Valves

Bidder	Total Bid	
Grinnell Company	$ 1,473.60	
Clow Corporation	1,913.60	
Dresser Mfg.	1,689.90	
A M Cast Iron Pipe Company (Darling Div.)	1,470.00	award
Southern Meter and Supply Company	1,690.32	

Items 81- 87 14 Sleeves 6" - 18" Class D

Bidder	Total Bid	
Glamorgan (Item 84-87 only)	$ (322.88)	
Lynchburg Foundry	1,106.56	
Southern Meter and Supply Company (Items 84-87 only)	(274.52)	
Silverman Company	878.98	award

The City Manager read a memorandum from Mr. J. R. McMahan, Purchasing Agent, and Mr. R. R. Buirgy, Water Department Engineer, who recommended the awarding of contracts to the low bidders except as follows:

Items 28-31, 16" Mech. Joint Bends - Awarding is recommended to the next low bidder, Silverman Company, at $3.12 higher cost that the low bid because the low bidder will not deliver less than truck load lots.

Items 46-49 - Mech. Joint Reducers - Award is recommended to the next low bidder, Southern Meter and Supply Company, at $4.17 higher cost than the low bidder because the low bidder will not deliver in less than truck load lots.

Councilman Dailey moved that the contracts be awarded as indicated on the bid sheets. Vice-Mayor Marshall seconded this motion and it carried unanimously.

ORDINANCE NO. 724 - AN ORDINANCE AMENDING SECTION 11-23 (a) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE. (BOARD OF ELECTRICAL EXAMINERS).

8. Consideration was given to an ordinance amending Section 11-23 (a) of the Code of Ordinances of the City of Asheville.

The City Manager read the ordinance which increased the membership on the Board of Electrical Examiners from three members to five members.

Councilman Dailey moved for the adoption of the ordinance. Councilman Hoyle seconded the motion, and the ordinance passed on its first reading.

Councilman Dailey then moved to suspend the rules and call for the second and third readings at this time. This motion was seconded by Councilman Ochsenreiter and passed unanimously.

Mayor Wood called for a second reading which passed unanimously.

Mayor Wood then called for a third and final reading and Ordinance No. 724 was passed unanimously.

Complete text of Ordinance No. 724 will be found in Ordinance Book No. 5 at page 206.

Items 50 - 55 24 Fittings 6" - 16" 150# - 250# C.I.M.J.

Bidder	Total Bid	
Glamorgan Pipe and Foundry	$ 813.02	
Lynchburg Foundry	781.66	award
A M Cast Iron Pipe Company	819.50	
U S Pipe and Foundry	917.58	
Southern Meter and Supply	971.70	
Silverman Company	1,084.70	

Items 56-59 16 Fittings 4"- 10" 250# C.I.M.J.

Bidder	Total Bid	
Glamorgan Pipe and Foundry	$ 329.04	
Lynchburg Foundry	311.68	
A M Cast Iron Pipe Company	328.94	
Southern Meter and Supply	331.56	
Silverman Company	246.68	award

Items 60- 64 118 Valves 4" - 12" 200# WWP

Bidder	Total Bid	
Grinnell Company	$ 9,978.40	
Clow Corporation	9,536.40	
Dresser Mfg.	9,453.10	
A M Cast Iron Pipe Co. (Darling Div.)	10,506.00	
Southern Meter and Supply Company	11,624.90	
Silverman Company	9,355.24	award

Items 65- 71 33 Tapping Sleeves and Valves 6" - 12"

Bidder	Total Bid	
Grinnell Company	$ 7,053.60	
Clow Corporation	6,370.84	
Dresser Mfg.	7,964.80	
A M Cast Iron Pipe Company (Darling Div.)	6,999.00	
Southern Meter and Supply Company	7,965.20	
Silverman Company	6,108.08	award

Items 72-76 85 Hydrants 150# WWP

Bidder	Total Bid	
Grinnell Company	$ 14,267.50	
Clow Corporation	14,404.55	
Dresser Mfg.	14,269.00	
A M Cast Iron Pipe Company (Darling Div.)	16,580.00	
Southern Meter and Supply Company	17,037.20	
Silverman Company	14,129.50	award

Thursday - February 24, 1972- 7:30 o'clock p. m.
Meeting held at Livingston Street Elementary School

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Henry E. Colton, Ruben J. Dailey, J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of February 17, 1972 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, the minutes of the February 17, 1972 meeting were approved as submitted.

ORDINANCE NO. 725 - AN ORDINANCE PROHIBITING THE ABANDONMENT OF MOTOR VEHICLES WITHIN THE CITY OF ASHEVILLE AND FOR THE REMOVAL AND DISPOSAL OF SAME

2. Consideration was given to an ordinance prohibiting the abandonment of motor vehicles within the City of Asheville and for the removal and disposal of same.

Mr. J. E. Johnson, Building Inspector, reported to Council that rather than making it mandatory for Council to declare a junked vehicle on private property as a safety or health hazard, the General Assembly has revised the law authorizing them to delegate this authority to a city official or employee. He asked them to consider the ordinance before them.

The City Clerk read the ordinance in its entirety.

Upon motion of Councilman Dailey, seconded by Councilman Morris, the ordinance was unanimously passed on its first reading.

RESOLUTION NO. 72-15 - A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO A COOPERATION AGREEMENT WITH THE CITY WATER ENGINEERING DEPARTMENT FOR THE OPERATION OF THE PROJECT ENTITLED, "PROVISION OF FIRE PROTECTION TO CLUB STREET AND DUNDEE STREET RESIDENTS", UNDER THE ASHEVILLE COMPREHENSIVE CITY DEMONSTRATION PROGRAM.

3. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to enter into a cooperation agreement with the City Water Engineering Department for the operation of the project entitled, "Provision of Fire Protection to Club Street and Dundee Street Residents", under the Asheville Comprehensive City Demonstration Program.

The City Manager read the resolution and explained to Council where the new hydrants were to be located.

Upon motion of Councilman Dailey, seconded by Councilman Hoyle, the resolution was unanimously adopted.

RESOLUTION NO. 72-13 - A RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE LIBRARY BOARD

9. Consideration was given to a resolution appointing Mrs. Robert W. Kirby of 122 Louisiana Avenue to the Asheville Library Board to fill the unexpired term of Mrs. Thomas F. Hall who resigned. The term expires July 31, 1973.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, the resolution was unanimously adopted.

Complete text of Resolution No. 72-13 will be found in Resolution Book No. 6, at page 168.

PROCLAMATION - "BROTHERHOOD WEEK"

Mayor Wood announced that February 20-27 had been designated as "Brotherhood Weed." He called attention to the slogan "Prejudice is Pollution" and the sponsoring organization, Asheville Buncombe County Community Relations Council.

COUNCIL MEETING TO BE HELD AT LIVINGSTON STREET SCHOOL - FEBRUARY 23, 1972.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, the meeting adjourned to meet again on February 23, 1972 at 7:30 o'clock p. m. at the Livingston Street School.

Adjournment.

Richard A. Wood Jr.
MAYOR

Norman S. Wallace by
CITY CLERK

J. Benson, 29 Adams Street, reported that a house next door was a fire and health hazard and should be demolished. Mayor Wood again asked Mr. Johnson to investigate and report back to Council.

C. L. Irby, 88 Ora Street, reported three houses had been demolished in his neighborhood and the vacant lots were now being used for junk yards. Mr. Johnson was again asked for an investigation and report.

J. C. Ford, 55 Adams Street, requested better street lighting on Adams Street.

Harold L. Hass, 21 Club Street suggested a traffic light at Hilliard and Clingman Avenue.

Moultrie Love, 73 Pine Grove Avenue, reported the house at 67 Pine Grove Avenue should be demolished. Mayor Wood asked Mr. Johnson to investigate.

Rev. Wesley Grant urged Council to use $1 million of the Model Cities funds to build 1000 homes for families displaced by Urban Renewal.

Rev. Luther Thomas told Council that the most urgent need of the residents in the area was the cleaning up of Nasty Branch. He urged Council to give this project immediate attention.

Willie Moultrie, 36 Walton Street, also spoke in support of Rev. Thomas's request.

At the conclusion of the meeting the City Manager introduced the members of his staff attending the meeting.

Adjournment.

Richard D. Wood
MAYOR

William A. McAuley
CITY CLERK

RESOLUTION NO. 72-16 - RESOLUTION ELECTING MEMBER OF BOARD OF EXAMINERS FOR POLICEMEN'S AND FIREMEN'S PENSION AND DISABILITY FUND

4. Consideration was given to a resolution electing a member to the Board of Examiners for the Policemen's and Firemen's Pension and Disability Fund.

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Colton, the resolution was unanimously adopted.

REPORT ON THE SPRUCE HILL APARTMENT SITE PLAN

5. The City Clerk in reporting to Council on the Spruce Hill Apartment Site Plan, referred to the February 17, 1972 Council meeting at which Council approved the site plan contingent on the applicant filing such additional evidence of authority as the applicant desired to file. Such evidence to be presented within five (5) days. He stated that Mr. Gary Sluder, authority for the Kingston Corporation, did, on February 22, 1972, file with his office a true copy of the contract to purchase between the Kingston Corporation and Sarah V. Roberson. This met the stipulated five (5) day time limit.

Mayor Wood instructed the City Clerk to enter this in the minutes and to place the document on file.

BID BY CLYDE O. CAPPS TO PURCHASE CITY PROPERTY ON FAIRVIEW ROAD

6. Consideration was given to a $2,000.00 cash offer by Clyde O. Capps to purchase certain city property on Fairview Road.

Robert J. Robinson, City Corporation Counsel, reported to Council that he had received a bid for $2,000.00 and asked for instructions from Council.

Councilman Morris moved that action be deferred for one week to give Councilmen time to familiarize themselves with the property. Vice Mayor Marshall seconded this motion and it was carried unanimously.

PETITION - PRESENTED BY HAROLD L. GAULT WITH REFERENCE TO THE ABC BOARD

Harold L. Gault presented Council with a petition asking an investigation of possible conflict of interest in the position of Chairman of the ABC Board and the Manager of the ABC Stores being held by the same person. He said it could possibly affect the education of our youth as well as other areas of influence by the Alcoholic Information Center if allowed to continue.

Rev. Stanley Garrett and Mrs. Marie Yearwood also spoke in support of the petitions.

SUGGESTIONS AND REQUESTS BY PROPERTY OWNERS

The following suggestions and requests were made to Council by interested parties:

George W. Self, 57 Adams Street, asked Council to assist in cleaning up a lot at the corner of Adams Street and Southside Avenue. Mayor Wood asked Mr. J. E. Johnson, Building Inspector, to contact Mr. Self after the meeting.

Councilman Morris moved that the Harllee-Quattlebaum offer be accepted with the conditions as set forth in his letter of March 1, 1972. This motion was seconded by Councilman Colton and carried unanimously.

Mayor Wood instructed the City Clerk to advise Harllee-Quattlebaum of the acceptance of his offer.

RESOLUTION NO. 72-17 - A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DEED FOR PROPERTY KNOWN AS ASHEVILLE-HENDERSONVILLE AIRPORT

4. Consideration was given to a resolution authorizing the mayor to execute a deed for property known as Asheville-Hendersonville Airport.

The City Manager read the resolution.

Upon motion by Councilman Colton, seconded by Councilman Dailey, the resolution was unanimously adopted.

PUBLIC HEARING CONTINUED - REZONING OF ALL PROPERTY ON SHEET 29, WARD 8 - HAW CREEK SECTION

5. The public hearing was continued from the February 17, 1972 meeting to consider a request that all property on Sheet 29, Ward 8 be rezoned from RA-6 Residential to RA-10 Residential.

Mayor Wood opened the public hearing at 3:55 o'clock p. m.

Mr. Kmecza, Planning Director, read the recommendation of the Planning and Zoning Commission denying the request.

Mr. Max Cogburn, attorney representing the petitioners, stated that the original petition submitted December 15, 1971 only represented property owners in one area. He said he was now prepared to present petitions covering some 533 additional residents, but that the new petitions requested that the zoning be studied to the end that their properties be rezoned in accordance with the growth and development taking place in the area.

Under these conditions he asked that action be withheld on the original petition and requested that the Council consider instructing the Planning Staff to restudy the area.

Mr. Leonard Orders, 29 Cisco Road, spoke in favor of the restudy.

Mr. Gary Sluder, attorney for Kingston Corporation, opposed the rezoning from RA-6 Residential to RA-10 Residential, but did not object to the restudy.

Mayor Wood closed the public hearing at 4:10 o'clock p. m.

The City Manager read the ordinance.

Councilman Dailey moved that the Ordinance be tabled and that the petitions be referred to the Planning and Zoning Commission for restudy.

Vice Mayor Marshall seconded this motion and it carried unanimously.

Mayor Wood instructed the City Clerk to refer the petitions to the Planning and Zoning Commission for restudy.

Thursday - March 2, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Henry E. Colton, Ruben J. Dailey, J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of February 24, 1972 meeting.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, the minutes of the February 24, 1972 meeting were approved as submitted.

PUBLIC HEARING - BEAR CREEK APARTMENTS SITE PLAN

2. A public hearing was held to consider the approval of the Bear Creek Apartments Complex located on Bear Creek Road.

Mayor Wood opened the public hearing at 3:02 o'clock p. m.

The City Manager read the affidavit of notification.

Mr. Kmecza, Planning Director, read the recommendation of the Planning and Zoning Commission approving the site plan and a preliminary subdivision plat.

Mr. Ridgley Robinson, Landscape Architect representing the developers, explained the plan to Council.

Mrs. Arthur Wagner, Secretary of the Malvern Hills Community Club, spoke to Council in opposition to the project but said that the community was resigned to the fact that they could not prevent the construction. She asked the City Manager to read a letter she had previously submitted to City Council urging them to require access from Manila Place in order to relieve the traffic on Bear Creek Road.

Mr. Guy W. Sales, 88 Bear Creek Road, spoke in opposition to the project. He also stressed the additional traffic that would be generated and asked for an access and upgrading of Manila Place.

Mayor Wood closed the public hearing at 3:27 o'clock p. m.

Councilman Morris moved that the site plan be approved contingent on the developer constructing an on-site access to Manila Place. This motion was seconded by Councilman Colton and carried unanimously.

SALE OF THE ASHEVILLE-HENDERSONVILLE AIRPORT TRACT APPROVED

3. Mayor Wood interrupted the regular agenda to announce that negotiations, between the City of Asheville, Hendersonville and Henderson County to sell the Asheville-Hendersonville Airport Tract, had been completed and that all three had agreed to sell the tract to Harllee-Quattlebaum, Inc.. The sale price of $561 per acre for the 287½ acre site being conditional on the purchaser obtaining a commitment from Steelcase, Inc. of Grand Rapids, Michigan, to buy a part of the tract and build a large plant on it. The agreement also restricts the developer for ten (10) years to use of the land for industrial and commercial purposes only.

Mayor Wood and several of the Councilman expressed their pleasure over successfully negotiating with a developer of Harllee-Quattlebaum's capabilities and experience.

The City Manager read the resolution and advised Council that the agreement conformed with the water extension policy except the nearest existing fire hydrant was 1250 feet instead of the required 1000 feet. He said that due to the desperate need of the Gasperson family to be supplied with water, as well as the recommendation of Mr. Buirgy, Water Department Engineer, he would recommend approval.

Upon motion of Councilman Morris, seconded by Councilman Colton, the resolution was unanimously adopted.

ORDINANCE NO. 726 - AN ORDINANCE AMENDING SECTION 39 "SCHEDULE OF CHARGES", OF DIVISION 3 (SECTION 3A-39) OF CHAPTER 3 A OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE. PROVIDING A SCHEDULE OF CHARGES FOR USE OF THE ASHEVILLE MUNICIPAL AIRPORT

11. Consideration was given to Ordinance No. 726, an ordinance amending Section 39 "Schedule of Charges", of Division 3 (Section 3A-39) of Chapter 3 A of the Code of Ordinances of the City of Asheville. Providing a Schedule of Charges for use of the Asheville Municipal Airport.

The City Manager reviewed with Council the lengthy negotiations that have been carried on with the airlines in an effort to establish acceptable landing fees at the Asheville Airport. He said that the rates now were seven cents per 1000 pounds of landing weight for the first 10 million pounds, and six cents per 1000 pounds for all over this weight. He said the airlines propose to increase this fee to ten cents per 1000 pounds for the first 10 million pounds and seven cents per 1000 pounds for all landed weight over that. He said that to counter this he had offered the airlines the following three alternatives:

1. A three year agreement with a fee of 13 cents the first year, 14 cents the second year and 15 cents the third year,
2. A five year agreement with rates for the first three years as above, with 16 cents and 17 cents being charged in 1975 and 1976,
3. Or, he would recommend to Council the adoption of an ordinance unilaterally hiking the landing fees to a flat 16 cents per 1000 pounds.

A lengthy discussion followed which was concluded with the Council deciding to adopt on the first reading, an ordinance unilaterally setting the landing fees at 16 cents per 1000 pounds. At the same time, Mayor Wood announced that it was the hope of Council that an "amicable agreement" could be reached before final passage.

The City Manager presented the ordinance for consideration.

Upon motion of Councilman Ochsenreiter, seconded by Vice Mayor Marshall, the ordinance was unanimously passed on its first reading.

BID ON ASHEVILLE-HENDERSONVILLE AIRPORT PROPERTY BY MR. JOHN YOUNGBLOOD.

12. Mr. Michael Scofield, attorney for Mr. John Youngblood, spoke to Council regarding the sale of the Asheville-Hendersonville Airport property. Having come to the Council meeting late he was not aware of the earlier action by Council in which they approved the sale of the property to Harllee-Quattlebaum for $561 per acre.

PUBLIC HEARING DEFERRED - ZONING OF LOTS 4, 6, 8, SHEET 50, WARD 7 (WINDSWEPT SUBDIVISION OFF CARIBOU ROAD) TO BE ZONED RA-5 RESIDENTIAL DISTRICT.

6. The public hearing on the zoning of Lots 4, 6, 8, Sheet 50, Ward 7 (Windswept Subdivision off Caribou Road) was deferred until March 16, 1972, due to an error in the published date.

ORDINANCE NO. 725 - AN ORDINANCE PROHIBITING THE ABANDONMENT OF MOTOR VEHICLES WITHIN THE CITY OF ASHEVILLE AND FOR THE REMOVAL AND DISPOSAL OF SAME.

7. Consideration was given to the second reading of Ordinance No. 725, prohibiting the abandonment of motor vehicles within the City of Asheville and for the removal and disposal of same.

Ordinance No. 725 was unanimously passed on its second reading.

BUILDING INSPECTORS REPORT TO COUNCIL

8. City Council received a report from Mr. J. E. Johnson, Building Inspector, on the two dilapidated houses and two vacant lots that were reported to Council at the February 24, 1972 meeting. Mr. Johnson reported that he had investigated all four complaints and that he had written a letter to Housing Authority asking for the present status. When an answer is received appropriate action will be taken.

BID OF CLYDE O. CAPPS - TO PURCHASE CITY PROPERTY ON FAIRVIEW ROAD

9. Consideration was given to the bid of Clyde O. Capps for the purchase of a piece of City property at 559 Fairview Road.

The City Manager read the letter from Mr. Capps in which he made an offer of $2,000.00 for the property.

Mr. Charles Pinkston, on the Public Works Staff, reported that the City is now renting this property for $40.00 per month.

Councilman Morris moved that the City property at 559 Fairview Road be declared surplus.

This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Councilman Morris then moved that the Corporation Counsel be directed to follow the most advantageous method of offering for sale the City owned property at 559 Fairview Road. He further moved that Council be given the opportunity to review all bids. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

RESOLUTION NO. 72-18 - A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH MRS. IRENE C. GASPERSON, CONCERNING A 2-INCH WATER LINE ON SECONDARY ROAD NO. 3455, UPPER HOMINY TOWNSHIP, BUNCOMBE COUNTY

10. Consideration was given to a resolution authorizing the mayor to enter into agreement with Mrs. Irene C. Gasperson, concerning a 2-inch water line on Secondary Road No. 3455, Upper Hominy Township, Buncombe County.

Thursday - March 9, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Vice-Mayor Calvin W. Marshall, Presiding; Councilman Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Henry E. Colton, Ruben J. Dailey, J. W. Hoyle, Corporation Counsel Robert J. Robinson, Assistant City Manager/ City Clerk William F. Wolcott, Jr.

Absent: Mayor Richard A. Wood, Jr. and City Manager Phin. Horton III

In the absence of Mayor Wood, Vice-Mayor Marshall presided over the meeting.

1. Approval of minutes of March 2, 1972 meeting.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, the minutes of the March 2, 1972 meeting were approved as submitted.

ORDINANCE NO. 725 - AN ORDINANCE PROHIBITING THE ABANDONMENT OF MOTOR VEHICLES WITHIN THE CITY OF ASHEVILLE AND FOR THE REMOVAL AND DISPOSAL OF SAME.

2. Consideration was given to the third and final reading of Ordinance No. 725, an ordinance prohibiting the abandonment of motor vehicles within the City of Asheville and for the removal and disposal of same.

Said Ordinance No. 725, was passed unanimously on its third and final reading.

Complete text of Ordinance No. 725, will be found in Ordinance Book No. 5 at page 207.

ORDINANCE NO. 726 - AN ORDINANCE AMENDING SECTION 39 "SCHEDULE OF CHARGES", OF DIVISION 3 (SEC. 3A - 39) OF CHAPTER 3 A OF THE CODE OF ORDINANCE OF THE CITY OF ASHEVILLE: PROVIDING A SCHEDULE OF CHARGES FOR USE OF THE ASHEVILLE MUNICIPAL AIRPORT

3. Consideration was given to the second reading of an ordinance amending Section 39 "Schedule of Charges", of Division 3 (Sec. 3A - 39) of Chapter 3 A of the Code of Ordinances of the City of Asheville: Providing a Schedule of Charges for use of the Asheville Municipal Airport.

Ordinance No. 726 was unanimously passed on its second reading.

ORDINANCE NO. 727 - AN ORDINANCE AMENDING SECTIONS 28-81, 28-82 AND 28-83 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE.

4. Consideration was given to an ordinance amending Sections 28-81, 28-82 and 28-83 of the Code of Ordinances of the City of Asheville, relating to speed limits on specific state highway system streets.

The City Clerk read the ordinance.

Upon motion of Councilman Hoyle, seconded by Councilman Morris, Ordinance No. 727 unanimously passed on its first reading.

Mayor Wood explained this to Mr. Scofield who stated that his client had previously offered $560 per acre and was now prepared to offer $575 per acre. He asked that this offer be made of record.

MISS FANNIE McCOY

Miss Fannie McCoy transmitted a reprint from the Milwaukee County News relating to President Nixon Executive Order #11647.

MR. E. R. McCARTHY

Mr. E. R. McCarthy spoke to Council on Housing.

Adjournment.

Richard A. Wood
MAYOR

William J. Nolcott, Jr.
CITY CLERK

Thursday - March 16, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Henry E. Colton, Ruben J. Dailey, J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of March 9, 1972 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Morris, the minutes of the March 9, 1972 meeting were approved as submitted.

ZONING ORDINANCE - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Windswept Subdivision)

2. A public hearing was held to consider an amendment to the Zoning Ordinance zoning Lots 4, 6, and 8, Sheet 50, Ward 7 (Windswept Subdivision) to RA-5 Residential District.

Mayor Wood opened the hearing at 3:03 o'clock p. m.

The City Manager read the affidavit of publication.

Alan Lang, of the Planning Staff, read the favorable recommendation of the Planning and Zoning Commission.

Mayor Wood closed the hearing at 3:05 o'clock p. m. and asked the City Manager to read the ordinance.

Councilman Colton moved the adoption of the Ordinance, which motion was seconded by Vice-Mayor Marshall.

Ordinance No. 728 was unanimously passed on its first reading.

ZONING ORDINANCE - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Service Distributing Company - West Chapel Road)

3. A public hearing was held to consider an amendment to the Zoning Ordinance rezoning Lots 23 and 24, Sheet 5, Ward 7, (Service Distributing Company-West Chapel Road) from RA-5 Residential District to Neighborhood Trading Area.

Mayor Wood opened the public hearing at 3:06 o'clock p. m.

The City Manager read the affidavit of publication.

Alan Lang, of the Planning Staff, read the recommendation of the Planning and Zoning Commission which denied the request for rezoning.

RESOLUTION NO. 72-19 -- RESOLUTION AUTHORIZING THE EXECUTION OF A WRITTEN AGREEMENT EXTENDING THE FIRST ACTION YEAR COOPERATION AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE ASHEVILLE HOUSING AUTHORITY FOR THE OPERATION OF THE RELOCATION PROJECT OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM

5. Consideration was given to a resolution authorizing the execution of a written agreement extending the First Action Year cooperation agreement between the City of Asheville and the Asheville Housing Authority for the operation of the Relocation Project of the Comprehensive City Demonstration Program.

The City Clerk read the resolution.

Mr. Dave Jones, of the Asheville Housing Authority, explained the resolution to Council.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Dailey, the resolution was unanimously adopted.

Complete text of Resolution No. 72-19 will be found in Resolution Book No. 6 at page 174.

RESOLUTION NO. 72-20 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO A PUBLIC SERVICE CAREERS PROGRAM CONTRACT.

6. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to enter into a Public Service Careers Program contract.

The City Clerk read the resolution.

Mr. John Davis, of the Model Cities Staff, explained the resolution to Council.

Upon motion of Councilman Dailey, seconded by Councilman Hoyle, the resolution was unanimously adopted.

Complete text of Resolution No. 72-20 will be found in Resolution Book No. 6 at page 175.

PROCLAMATION - GIRL SCOUTS WEEK - MARCH 12-18, 1972.

Vice-Mayor Marshall proclaimed the week of March 12-18 as Girl Scouts Week.

WILLIAM L. JONES

Mr. Clarence Benton of the Model Cities Agency Staff announced the appointment of Mr. William L. Jones as Director of the Model Cities Agency Health Program. Mr. Benton introduced Mr. Jones to Council.

Adjournment.

Richard D. Wood, Jr.
MAYOR

William F. Malcolm
CITY CLERK

Ordinance No. 727 passed unanimously on its second reading.

ORDINANCE NO. 729 - AN ORDINANCE AMENDING ARTICLE I, CHAPTER 5, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, NORTH CAROLINA, RELATING TO ANIMALS AND OTHER LIVESTOCK.

6. Consideration was given to an ordinance amending Article I, Chapter 5 of the Code of Ordinances of the City of Asheville, North Carolina, relating to animals and other livestock.

J. E. Johnson, Building Inspector, explaining the ordinance noted that the only change from the original ordinance was the designation of the Code Enforcement Section of the Public Safety Department as the office responsible for issuing permits and inspections, rather than the City Health Department which is nonexistant.

The City Manager read the ordinance.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Ordinance No. 728 passed its first reading on a 6-1 vote.

ORDINANCE NO. 730 - AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, NORTH CAROLINA, REGULATING KEEPING OF CHICKENS AND OTHER FOWLS.

7. Consideration was given to an ordinance amending Article II of Chapter 5 of the Code of Ordinances of the City of Asheville, North Carolina, regulating keeping of chickens and other fowls.

J. E. Johnson, Building Inspector, explained the ordinance to Council and again noted that the only change from the original ordinance was the designations of the Code Enforcement Section of the Public Safety Department as the office responsible for issuing permits and inspections.

Council was concerned over the strict specifications of the ordinance and asked Corporation Counsel Robinson to consider changing the language to exempt pet shops and owners of a small number of chickens from the fowl-house requirement.

Upon motion of Councilman Ochsenreiter, seconded by Vice-Mayor Marshall, Ordinance No. 730 passed its first reading on a roll call vote of 4-3.

ORDINANCE NO. 731 - AN ORDINANCE AMENDING ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, NORTH CAROLINA, FIRE PREVENTION CODE.

8. Consideration was given to an ordinance amending Article II of the Code of Ordinances of the City of Asheville, North Carolina relating to the Fire Prevention Code.

The City Manager explained that the ordinance was being presented at this time to update the existing ordinance.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, Ordinance No. 731 was unanimously passed on its first reading.

Mr. M. L. Parker, Agent for Service Distributing Company spoke in favor of the rezoning.

Mayor Wood closed the public hearing at 3:15 o'clock p. m.

The City Manager was requested to read the ordinance after which Mayor Wood asked for a motion for adoption. Not receiving a motion he declared the petition denied.

ORDINANCE NO. 726 - AN ORDINANCE AMENDING SECTION 39 "SCHEDULE OF CHARGES", OF DIVISION 3 (SEC. 3A-39) OF CHAPTER 3 A OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE: PROVIDING A SCHEDULE OF CHARGES FOR USE OF THE ASHEVILLE MUNICIPAL AIRPORT.

4. Consideration was given to the third and final reading of Ordinance No. 726, an ordinance amending Section 39 "Schedule of Charges", of Division 3 (Sec. 3A-39) of Chapter 3 A of the Code of Ordinances of the City of Asheville: Providing a schedule of charges for use of the Asheville Municipal Airport.

The City Manager told Council that continued negotiations with the airlines had not produced a satisfactory agreement. He said the latest and best proposal the airlines offered was 10 cents per thousand for the first million pounds of landing weight and 7 cents thereafter for the year 1972, with a straight 10 cents per thousand for 1973 and 1974.

Mr. Horton said he did not feel that this proposal was satisfactory, but that at this time he would suggest to Council that in lieu of the 16 cents per thousand pounds previously suggested for the ordinance, that an amended version of 13 cents per thousand pounds be substituted. He further suggested that the reporting of the exact number of flight operations also be included.

Mr. Horton then read a letter from Mr. Richard Haber, Chairman of the Chamber of Commerce Aviation Committee, which stated that his committee endorsed the suggested 13 cents fee.

The City Manager read the proposed revision of Ordinance No. 726.

Councilman Dailey moved the adoption of the amendment to the ordinance as originally passed on its first two readings. Councilman Hoyle seconded this motion and the motion passed unanimously on a roll call vote.

Ordinance No. 726, as amended, passed unanimously on its third and final reading.

Mayor Wood instructed the City Manager to notify the airlines officials that the landing fee ordinance is for no particular duration, and that the city remains willing to negotiate with the airlines at anytime on landing fee proposals.

Complete text of Ordinance No. 726 will be found in Ordinance Book 5 at page 209.

ORDINANCE NO. 727 - AN ORDINANCE AMENDING SECTIONS 28-81, 28-82 AND 28-83 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

5. Consideration was given to the second reading of Ordinance No. 727, an ordinance amending Sections 28-81, 28-82 and 28-83 of the Code of Ordinances of the City of Asheville relating to speed limits on specific state highway system streets.

specifications were confusing and it was difficult for bidders to bid on the same item. He suggested that the specifications be simplified, all bids be rejected and new bids received.

Mr. Norman Sultan, Sultan Tire Company, also spoke to Council. He objected to re-bidding since the original bids had been disclosed. He said this would be unfair.

Councilman Dailey moved that the contracts for the tires, tubes and recapping be awarded to the low bidder for each item except item # 2, and that this item be awarded to the second low bidder. Vice-Mayor Marshall seconded this motion and it carried unanimously.

The following is a summary of the low bids received.

Bid Request #127-

Tires and Tubes

Item	Bidder	Low Bid
1. 527 Passenger Tires	Sultan of Tires	$ 9,467.37
2. 71 Passenger Tires	Sultan of Tires	1,100.05 *
3. 281 Truck Tires (conv.)	Sultan of Tires	11,482.00
4. 167 Truck Tires (Snow)	Sultan of Tires	10,418.36
5. 17 Motorcycle Tires	Hughes Tire Dist.	113.16
6. 228 Passenger Tubes	Coleman Tire Company	282.72
7. 553 Truck Tubes	Coleman Tire Company	2,047.39
8. 6 Motorcycle Tubes	Hughes Tire Dist.	7.79

* Item 2 - represents the second low bid.

Recapping

Item	Bidder	Low Bid
1. 58 Passenger Tires (Conv.)	Coleman Tire Company	$ 393.84
2. 118 Passenger Tires (Snow)	Sultan of Tires	910.96
3. 30 Truck Tires (Conv.)	Sultan of Tires	371.51
4. 155 Truck Tires (Snow)	Coleman Tire Company	2,838.14

Complete spread sheets of all bids are available in the office of the Purchasing Agent.

MR. BOBBY WOODY

Mr. Bobby Woody of 485 Sand Hill Road asked Council why his car, without a 1972 license, was towed away from his place of residence. Mayor Wood asked Chief Hall to investigate and contact Mr. Woody.

GIRL SCOUTS

Mayor Wood turned the meeting over to a group of Girl Scouts who conducted their own Council meeting as a part of their "Government Day" participation. They voted to pursue city and county cooperation in an attempt to provide more and better recreational facilities for teen agers.

RESOLUTION NO. 72-21 - A RESOLUTION AUTHORIZING THE CITY CLERK TO ADVERTISE FOR SALE OF REAL PROPERTY LOCATED AT 559 FAIRVIEW ROAD, WHICH HAS BEEN DECLARED TO BE SURPLUS PROPERTY BELONGING TO THE CITY OF ASHEVILLE.

9. Consideration was given to a resolution authorizing the City Clerk to advertise for sale of real property located at 559 Fairview Road, which has been declared to be surplus property belonging to the City of Asheville.

The City Manager read the resolution.

Upon motion of Councilman Dailey, seconded by Councilman Morris, Resolution No. 72-21 was unanimously adopted.

Complete text of Resolution No. 72-21 will be found in Resolution Book No. 6, at page 176.

RESOLUTION NO. 72-22 - A RESOLUTION AUTHORIZING THE MAYOR TO EXPRESS TO THE NORTH CAROLINA STATE HIGHWAY COMMISSION THE CITY OF ASHEVILLE'S INTEREST IN PARTICIPATING IN THE TRAFFIC OPERATIONS PROGRAM TO INCREASE CAPACITY AND SAFETY (TOPICS).

10. Consideration was given to a resolution authorizing the mayor to express to the North Carolina State Highway Commission the City of Asheville's interest in participating in the Traffic Operations Program to Increase Capacity and Safety (TOPICS).

The City Manager read the resolution and explained to Council that participation in the TOPICS Program was an excellent means for the City to receive Federal Aid in upgrading certain deficiencies on its urban streets.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 72-22 was unanimously adopted.

Complete text of Resolution No. 72-22 will be found in Resolution Book No. 6 at page 177.

BIDS ON TIRES, TUBES AND RECAPPING FOR CALENDAR YEAR 1972.

11. Consideration was given to bids received December 20, 1971 for tires, tubes and recapping for the calendar year 1972.

The City Manager explained to Council that there had been a delay in presenting the bids for review as one of the vendors had questioned a competitors compliance with the specifications.

He said that a legal opinion had been obtained from an attorney, Mr. Philip Carson, and he read the summary of this opinion to Council.

The City Manager then read the recommendation of J. R. McMahan, the Purchasing Agent, who recommended the award of contracts to the low bidder, except for Item #2. For this item, he recommended the second low bid. The City Manager concurred with this recommendation.

Mr. James Hughes, Hughes Tire Company, spoke to Council and said the

Thursday - March 23, 1972 - 7:30 o'clock p. m.
Meeting held at North Asheville Community Center

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., Henry E. Colton, Ruben J. Dailey, J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Eugene C. Ochsenreiter, Jr.

1. Approval of minutes of March 16, 1972 meeting.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, the minutes of the March 16, 1972 meeting were approved as submitted.

ORDINANCE NO. 727 - AN ORDINANCE AMENDING SECTIONS 28-81, 28-82 AND 28-83 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE.

2. Consideration was given to the third and final reading of Ordinance No. 727, an ordinance amending Sections 28-81, 28-82 and 28-83 of the Code of Ordinances of the City of Asheville relating to speed limits on specific state highway system streets.

Ordinance No. 727 passed unanimously on its third and final reading.

Complete text of Ordinance No. 727 will be found in Ordinance Book No. 5 at page 210.

ZONING - ORDINANCE NO. 728 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Windswept Subdivision)

3. Consideration was given to the second reading of Ordinance No. 728, an ordinance amending Ordinance No. 322, known as "An Ordinance providing for the zoning of the City of Asheville", as amended.

Ordinance No. 728 passed unanimously on its second reading.

ORDINANCE NO. 729- AN ORDINANCE AMENDING ARTICLE I, CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, NORTH CAROLINA, RELATING TO ANIMALS AND OTHER LIVESTOCK.

4. Consideration was given to the second reading of Ordinance No. 729, an ordinance amending Article I, Chapter 5 of the Code of Ordinances of the City of Asheville, North Carolina, relating to animals and other livestock.

The City Manager read a letter from the Health Department stating that they did not have the authorization or the manpower to participate in restricting the keeping of livestock or other animals. This was in answer to an inquiry by Councilman Colton at the March 16, 1972 meeting.

Mrs. Nora Valentine, 131 Courtland Avenue, complained to Council about a mule and other animals being kept by her neighbors.

Ordinance No. 729 passed unanimously on its second reading.

COUNCIL MEETING - NORTH ASHEVILLE COMMUNITY CENTER - MARCH 23, 1972

Councilman Ochsenreiter moved that the meeting be adjourned, to meet again at 7:30 o'clock p. m. on March 23, 1972 at the North Asheville Community Center. This motion was seconded by Councilman Hoyle and carried unanimously.

Adjournment.

Richard D. Woodard
MAYOR

William D. Halcomb
CITY CLERK

In the discussion, Mrs. Ethel Steele, owner of 11 Gray Street, asked Council for a 60 day extension, so that she could demolish the house herself.

J. E. Johnson, Building Inspector, explained to her that if she would secure a demolition permit, before the ordinance went into effect, she would have six (6) months from this date to demolish her house.

Ordinance No. 732 passed unanimously on its first reading.

APPROVAL OF THE SALE OF PARCEL 26 IN THE CIVIC REDEVELOPMENT PROJECT NC R-13.

8. Consideration was given to the approval of the sale of Parcel 26 in the Civic Redevelopment Project NC R-13.

Mr. Ray Wheeling, Executive Director of the Housing Authority of the City of Asheville, described the property as being located at the corner of Central Avenue and Orchard Street, containing 45,878.77 square feet, with a proposed sale price of 50 cents a square foot or $22,939.39. He said that the Orchard Development Corporation had made the offer and proposed to construct an office building containing an area of approximately 9000 square feet. In his opinion this would be an investment of some $180,000.00. He said his board had accepted the bid, subject to Council's approval.

Councilman Colton moved to approve the sale. This motion was seconded by Councilman Dailey and carried unanimously.

MRS. SOL BERNEY - COMPLAINT - LOT AT THE CORNER OF MERRIMON AVENUE AND COLONIAL PLACE

In response to Mayor Wood's invitation for audience participation, Mrs. Sol Berney of 15 Colonial Place asked Council to do all in its power to clean up the lot at the corner of Merrimon Avenue and Colonial Place.

Mr. Johnson, Building Inspector, when asked for his comments assured Mrs. Berney the lot would be kept clean this summer.

CHIEF HALL - REPORT OF TOWED AWAY CAR OF BOBBY WOODY

Mayor Wood asked Police Chief Hall for a report on the complaint received at the last meeting from Bobby Woody that his car had been towed away. Chief Hall stated that he was acting under the authority of the City Code, Article 2, Section 18-32, and that the car was unlicensed and left on the city street few more than seven (7) days.

Adjournment.

Richard L. Wood, Jr.
MAYOR

William E. Wolcott
CITY CLERK

ORDINANCE NO. 730 - AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, NORTH CAROLINA, REGULATING THE KEEPING OF CHICKENS AND OTHER FOWLS.

5. Consideration was given to the second reading of Ordinance No. 730, an ordinance amending Article II of Chapter 5 of the Code of Ordinances of the City of Asheville, North Carolina regulating the keeping of Chickens and Other Fowls.

The City Manager advised Council that the changes requested at the March 16, 1972 meeting had been made, and a motion approving the changes would be necessary.

Councilman Dailey moved that the amendment be adopted. This motion was seconded by Vice-Mayor Marshall.

In the discussion, Mr. William Valentine of 131 Courtland Avenue, asked if a person having six (6) or less chickens could allow them to run loose. Mayor Wood advised him that they would have to be penned.

On a roll call vote, the amendment carried unanimously.

Mayor Wood then asked for a roll call vote on the second reading of Ordinance No. 730, as amended, and it carried unanimously.

ORDINANCE NO. 731 - AN ORDINANCE AMENDING ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, NORTH CAROLINA FIRE PREVENTION CODE.

6. Consideration was given to the second reading of Ordinance No. 731, an ordinance amending Article II of the Code of Ordinances of the City of Asheville, North Carolina, regarding the Fire Prevention Code.

Chief Dalton, in charge of the Fire Prevention Bureau for the Asheville Fire Department, explained to the audience that this ordinance was necessary to keep Asheville's Fire Prevention Program up to date with the recommendations of the American Insurance Association.

The City Manager advised Council that since the first reading some insertions and deletions had been made in the ordinance. He indicated these in each case and asked Council if they wished to accept these changes in the form of an amendment.

Councilman Morris moved the adoption of the amendment, Vice-Mayor Marshall seconded this motion and on a roll call vote it was unanimously adopted.

Mayor Wood then asked for a roll call vote on the second reading of Ordinance No. 731, as amended, and it carried unanimously.

ORDINANCE NO. 732 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 298 BROADWAY AVENUE, 11 GRAY STREET, 166 MONTFORD AVENUE, 55 ROBERTS STREET, AND 29 WHITE AVENUE.

7. Consideration was given to an ordinance directing the Housing Officer to demolish those houses known as 298 Broadway Avenue, 11 Gray Street, 166 Montford Avenue, 55 Roberts Street, and 29 White Avenue.

The City Manager read the ordinance.

Councilman Morris moved for the adoption which was seconded by Councilman Hoyle.

ORDINANCE NO. 730 - AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, NORTH CAROLINA, REGULATING KEEPING OF CHICKENS AND OTHER FOWLS

4. Consideration was given to the third and final reading of Ordinance No. 730, an ordinance amending Article II of Chapter 5 of the Code of Ordinances of the City of Asheville, North Carolina, regulating keeping of Chickens and other fowls.

Ordinance No. 730 passed unanimously on its third and final reading.

Complete text of Ordinance No. 730 will be found in Ordinance Book No. 5 at pages 214, 215.

ORDINANCE NO. 731 - AN ORDINANCE AMENDING ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE, NORTH CAROLINA FIRE PREVENTION CODE.

5. Consideration was given to the third and final reading of Ordinance No. 731, an ordinance amending Article II of the Code of Ordinances of the City of Asheville, North Carolina, relating to the Fire Prevention Code.

Ordinance No. 731 passed unanimously on its third and final reading.

Complete text of Ordinance No. 731 will be found in Ordinance Book No. 5 at pages 216, 217, and 218.

ORDINANCE NO. 732 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 298 BROADWAY AVENUE, 11 GRAY STREET, 166 MONTFORD AVENUE, 55 ROBERTS STREET, AND 29 WHITE AVENUE

6. Consideration was given to Ordinance No. 732, an ordinance directing the Housing Officer to demolish those houses known as 298 Broadway Avenue, 11 Gray Street, 166 Montford Avenue, 55 Roberts Street, and 29 White Avenue.

Ordinance No. 732 passed unanimously on its second reading.

RESOLUTION NO. 72-23 - A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO A COOPERATION AGREEMENT WITH THE ASHEVILLE POLICE DEPARTMENT FOR THE OPERATION OF THE POLICE AIDES PROJECT OF THE SECOND ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

7. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to enter into a cooperation agreement with the Asheville Police Department for the operation of the Police Aides Project of the Second Action Year Comprehensive City Demonstration Program.

Mr. Logan Delany, Executive Director of Model Cities, and Chief Hall of the Police Department, presented the program to Council.

The City Manager read the resolution.

Upon motion by Councilman Dailey, seconded by Vice-Mayor Marshall the resolution was unanimously adopted.

Thursday - March 30, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Henry E. Colton, Ruben J. Dailey, J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of March 23, 1972 meeting.

Upon motion of Councilman Hoyle, seconded by Councilman Dailey, the minutes of the March 23, 1972 meeting were approved as submitted.

ZONING - ORDINANCE NO. 728 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Windswept Subdivision).

2. Consideration was given to the third and final reading of Ordinance No. 728, an ordinance amending Ordinance No. 322, known as "An Ordinance providing for the zoning of the City of Asheville", as amended. (Windswept Subdivision).

Mr. Peter Feistman, stated to Council that he was the new owner of the Windswept Subdivision being considered for zoning. He said that due to the questionable future continuation of the Section 235 FHA home loan program, it may not be feasible for him to develop this property for residential use. He therefore asked that Council defer the final reading of the ordinance for at least 30 days.

For the record Mr. Feistman presented Council with a written request to this effect.

Councilman Dailey moved that the third and final reading of Ordinance No. 728 be deferred until such time as Mr. Feistman requests that it be initiated again. Councilman Morris seconded this motion and the motion carried unanimously.

ORDINANCE NO. 729 - AN ORDINANCE AMENDING ARTICLE I, CHAPTER 5 OF THE CODE OR ORDINANCES OF THE CITY OF ASHEVILLE, NORTH CAROLINA, RELATING TO ANIMALS AND OTHER LIVESTOCK

3. Consideration was given to the third and final reading of Ordinance No. 729, an ordinance amending Article I, Chapter 5 of the Code of Ordinances of the City of Asheville, North Carolina, relating to animals and other livestock.

Ordinance No. 729 passed unanimously on its third and final reading.

Complete text of Ordinance No. 729 will be found in Ordinance Book No. 5 at page 213.

Considerable discussion followed in which the possibility of restricting no-left turns from the Tunnel to White Pine Drive was discussed. Mayor Wood directed the City Manager to ask the State Highway Commission to review the effectiveness of the present restrictions, to consider the possibility of the no-left turn signs from the Tunnel to White Pine Drive, or to consider abolishing the no-left turn restriction altogether.

MODEL CITIES ELECTIONS

A lengthy discussion was held between members of Council and Staff members of the Model Cities Agency regarding the up-coming election of six Model Cities Commissioners. Mayor Wood suggested to Logan Delany, Model Cities Executive Director, that recommendation for any changes be brought before the Model Cities Commission as soon as possible, and that their recommendations be placed before City Council for approval.

MR. CARL JOHNSON - COMPLAINT

Mr. Carl Johnson issued a complaint regarding a policeman discharging a firearm in the Hillcrest Apartment area. The City Manager read a memorandum from Chief Hall stating that the matter had been investigated and disciplinary action had been taken.

MISS FANNIE MCCOY

The City Manager read a communication from Miss Fannie McCoy regarding the chemical treatment of the City's Water supply.

FILM - THE PUBLIC HILL

The Model Cities Agency presented a film titled, "The Public Hill."

Adjournment.

Richard D. Wood
MAYOR

William R. Malcolm
CITY CLERK

Complete text of Resolution No. 72-23 will be found in Resolution Book No. 6 at Page 178.

RESOLUTION NO. 72-24 - RESOLUTION SETTING THE GREEN FEES AT THE MUNICIPAL GOLF COURSE

8. Consideration was given to a resolution setting the green fees at the Municipal Golf Course.

Ray Kisiah, Director of Parks and Recreation, explained to Council that the Parks and Recreation Advisory Board had recommended that the green fees at the Municipal Golf Course be increased from $2.00 on Monday through Friday, to $2.50. That the fee of $2.50 on Saturday, Sunday and holidays, be increased to $3.00. The yearly permits now set at $70.00 single and $100.00 for a family would not be changed, but would be restricted to persons residing within the corporate limits of the City of Asheville.

The City Manager read the resolution and Councilman Ochsenreiter moved for its adoption. Councilman Hoyle seconded this motion and it was carried unanimously.

Complete text of Resolution No. 72-24 will be found in Resolution Book No. 6 at Page 179.

RESOLUTION NO. 72-25 - RESOLUTION APPOINTING TWO MEMBERS TO THE BOARD OF ELECTRICAL EXAMINERS

9. Consideration was given to a resolution appointing two members to the Board of Electrical Examiners.

The City Manager read the resolution appointing J. Michael Boozer and Malachie Cromartie to this Board.

Upon motion by Councilman Dailey, seconded by Councilman Hoyle, the resolution was unanimously adopted.

Complete text of Resolution No. 72-25 will be found in Resolution Book No. 6 at Page 180.

MRS. ROY ROGER'S REQUEST

Mrs. Roy Rogers requested of Council that a street name sign be placed at the top of Blanton Street. Mayor Wood advised her that the appropriate officials would be instructed to investigate her request.

CALVIN JONES - COMPLAINT

Mr. Calvin Jones, Manager of Babe Maloy's Drive-In, complained to Council that the restricted no-left turn on Tunnel Road was damaging his business, and he did not think it was doing the job for which it was intended. He asked that the restriction be terminated.

BILLIARD PARLOR APPLICATION - MICHAEL B. BATES - 20 EAGLE STREET

5. Consideration was given to an application of Michael B. Bates to operate a billiard parlor at 20 Eagle Street.

The City Manager read the application and advised Council that it was in order.

Mayor Wood referred the application to the Chief of Police, Chief of the Fire Department, Building Inspector and the Health Department for an investigation and report.

MODEL CITIES ELECTION BOARD

Leroy Delany reported to Council that the Model Cities Election Board had met on Wednesday night, April 5th, and that they had formulated a list of recommendations which they planned to present to the Model Cities Commission on Monday, April 10, 1972. He said he would have the commission's recommendations ready for Council's consideration at the April 10th Council meeting.

The City Manager requested Mr. Delany to submit the recommendations to his office by Tuesday, April 11th, so that the Corporation Counsel would have time to draft the necessary ordinance.

YOUTH WEEK - APRIL 10-17

Mayor Wood proclaimed the week of April 10-17 as Youth Week.

PROCLAMATION - CHAMBER OF COMMERCE WEEK

Mayor Wood proclaimed the week of April 10-15 as Chamber of Commerce Week.

PROCLAMATION - ORIOLE DAY

Mayor Wood proclaimed Tuesday, April 11, 1972, the opening of the Baseball season, as "Oriole Day."

GIRL SCOUT TROOP #121 - COMPLAINT OF HOUSE ON CLYDE STREET

Girl Scout Troop #121 visited the Council meeting. Their spokesman, Brenda Williams, read a letter to Council requesting that a house at the end of Clyde Street be demolished. She cited the hazardous and unsightly condition as her reasons for this request.

Mayor Wood instructed the City Manager to have the appropriate officials check into her request.

Adjournment.

Richard D Wood, Jr
MAYOR

William D. Malcolm, Jr
CITY CLERK

Thursday - April 6, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Henry E. Colton, Ruben J. Dailey, J. V. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Calvin W. Marshall

1. Approval of minutes of March 30, 1972 meeting.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, the minutes of the March 30, 1972 meeting were approved as submitted.

ORDINANCE NO. 732 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THESE HOUSES KNOWN AS 298 BROADWAY AVENUE, 11 GRAY STREET, 166 MONTFORD AVENUE, 55 ROBERTS STREET, AND 29 WHITE AVENUE

2. Consideration was given to the third and final reading of Ordinance No. 732, an ordinance directing the Housing Officer to demolish these houses known as 298 Broadway Avenue, 11 Gray Street, 166 Montford Avenue, 55 Roberts Street, and 29 White Avenue.

Ordinance No. 732 passed unanimously on its third and final reading.

Complete text of Ordinance No. 732 will be found in Ordinance Book No. 5 at pages 219,220.

APPROVAL OF FINAL SUBDIVISION PLAT OF THE LOMA CORPORATION CONDOMINIUM

3. Approval of the final subdivision plat of the Loma Corporation Condominium was to be considered at this time. However, Corporation Counsel Robert J. Robinson advised Council that he had not been able to review the plans in order to make the required certification. He asked Council to defer action until he could make this examination.

Mayor Wood then scheduled this item for the April 13, 1972 meeting and instructed the City Clerk to so advise all interested parties.

RESOLUTION NO. 72-26 - A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CHANGE ORDER TO IMPLEMENT SCHEDULE D OF THE ITEMS SUBJECT TO RE-INSERTION IN THE SETTLEMENT AGREEMENT WITH RANGER CONSTRUCTION COMPANY.

4. Consideration was given to a resolution authorizing the mayor to execute a change order to implement Schedule D of the items subject to re-insertion in the settlement agreement with Ranger Construction Company.

Upon motion of Councilman Morris, seconded by Councilman Dailey, Resolution No. 72-26 was unanimously adopted.

Complete text of Resolution No. 72-26 will be found in Resolution Book No. 6 at page 181.

Thursday- April 13, 1972

Regular Meeting

COUNCIL MEETING

Due to Mayor Richard A. Wood, Jr.'s father passing away, Tuesday, April 11, 1972, Vice-Mayor Calvin W. Marshall announced that the regular meeting of the Asheville City Council would not be held on Thursday April 13, 1972, and the next regular meeting of the Asheville City Council would be held on Thursday, April 20, 1972 in the Council Chambers in the City Hall.

Calvin W. Marshall
VICE-MAYOR

William L. Wolcott
CITY CLERK

Complete text of Resolution No. 72-29 will be found in Resolution Book No. 6 at page 184.

ORDINANCE NO. 733 - AN ORDINANCE ESTABLISHING A CLOSING TIME FOR PUBLIC PARKS, AS AMENDED.

4. Consideration was given to Ordinance No. 733, an ordinance establishing the closing time for public parks.

The City Manager read the ordinance.

Ray Kisiah, Parks and Recreation Director, stated that the Parks and Recreation Advisory Board had voted to recommend to Council that a 10:00 o'clock p. m. closing be established, unless a supervised program is being conducted, with the knowledge of the Director of Parks and Recreation. Under these conditions no closing hour would be established until the conclusion of such a program.

Several property owners including Dr. and Mrs. William Powell, Mr. Guy Ward, Mr. Nathaniel Gennett, Reverend Paul Chaplin and Dr. Cecil Sherman, all residents of the Grove Park area complained of the noise, littering, drinking and improper behavior at the park near their homes and vigorously supported the 10:00 P. M. closing ordinance.

Miss Beth Myers, Miss Lucy Adams, Miss Deborah Jean Herbert, Miss Robin McDonald, Henry Robinson and Tom VanBlaricom, all members of the Asheville-Buncombe County Youth Council opposed the 10:00 p. m. curfew. They urged Council to assist them in securing a place where youths could gather without disturbing others.

In the discussion that followed several possible locations suitable for youth gatherings were suggested. The City County Plaza appeared to gain the strongest support and Councilman Morris moved that the ordinance be amended to exclude this park from the ordinance. His motion was seconded by Vice-Mayor Marshall and carried unanimously.

Councilman Dailey then moved for the adoption of Ordinance No. 733, as amended. This motion was seconded by Vice Mayor Marshall and Ordinance No. 733 as amended passed unanimously on its first reading.

Mayor Wood instructed the City Manager to meet with the Asheville Buncombe County Youth Council and the Buncombe County Commissioners and work out some arrangement whereby the City-County Plaza could be used as a late night gathering place for young people.

ORDINANCE NO. 734 - AN ORDINANCE PROHIBITING DRINKING OF INTOXICATING LIQUOR IN SPECIFIED AREAS AND THE DISPOSAL OF CONTAINERS.

5. Consideration was given to Ordinance NO. 734, an ordinance prohibiting drinking of intoxicating liquor in specified areas and the disposal of containers.

The City Manager read the ordinance.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Ordinance No. 734 passed unanimously on its first reading.

Thursday - April 20, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Ruben J. Dailey, J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Henry E. Colton

RESOLUTION COMMEMORATING PATROLMAN ALFRED BAIRD

Mayor Wood called the meeting to order and asked Council and the audience to stand silently in tribute to Patrolman Alfred Baird, who was killed while on duty April 13, 1972. He asked that they remain standing while Councilman Dailey presented a resolution commemorating Patrolman Alfred Baird. Councilman Hoyle seconded Councilman Dailey's move for adoption and it was carried unanimously.

City Manager Phin. Horton then gave a brief eulogy to Patrolman Baird and expressed to Council his "personal sense of loss in the passing of Alfred Baird."

Complete text of Resolution No. 72-27 will be found in Resolution Book No. 6 at page 182 .

APPROVAL OF MINUTES

1. Due to the cancellation of the April 13, 1972 meeting, upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, the minutes of the April 6, 1972 meeting were approved as submitted.

RESOLUTION NO. 72-28 - A RESOLUTION APPROVING SECOND YEAR ACTION PROGRAM AND AUTHORIZING AMENDMENT TO GRANT AGREEMENT

2. Consideration was given to Resolution No. 72-28 approving the Model Cities Agency Second Action Year Program and authorizing an amendment to the grant agreement.

The City Manager read the resolution.

Councilman Ochsenreiter moved for the adoption of the resolution, Councilman Morris seconded the motion and it was unanimously adopted.

Complete text of Resolution No. 72-28 will be found in Resolution Book No. 6 at page 183 .

RESOLUTION NO. 72-29 - A RESOLUTION AUTHORIZING THE MODEL CITIES AGENCY TO HIRE THREE PLANNING INTERNS FOR THE SUMMER TO ASSIST THE STAFF IN PREPARING THIRD ACTION YEAR PLAN

3. Consideration was given to Resolution No. 72-29 authorizing the Model Cities Agency to hire three planning interns for the summer to assist the staff in prepating third action year plan.

The City Manager read the resolution.

Vice-Mayor Marshall moved for the adoption of the resolution, Councilman Dailey seconded the motion and it was unanimously adopted.

ASHEVILLE JUNIOR WOMEN'S CIVIC CLUB PRESENTS PLAQUES TO CITY

Mrs. Betty Nelon, representing the Asheville Junior Women's Civic Club, made a presentation of approximately 100 plaques to the City Council for use at the Recreation Park Zoo. Each plaque depicts some interesting information on each of the animals in the zoo and are to be hung on the appropriate cages.

Mayor Wood accepted on behalf of the City and thanked Mrs. Nelon and commended the Junior Women's Civic Club for undertaking such a worthwhile civic project.

MODEL CITIES COMMISSION ELECTION RECOMMENDATIONS

Consideration was given to the recommendations of the Model Cities Commission regarding the pending Model Cities Commission election.

The City Manager presented Council with copies of the recommendations of the Model Cities Election Board to the Model Cities Commission and the Model Cities Commissions recommendations to the City Council. He also made note of a resolution passed by the Model Cities Commission recommending the approval and adoption of their recommendations.

Larry Fisher, Deputy Director of the Model Cities Agency, appeared to answer questions by Council. In the discussion that followed, Council took issue with several of the recommendations. The Commission had recommended that all 15 year olds be allowed to vote for all representatives. Councilman Ochsenreiter and Councilman Morris agreed that the 15-18 year old group should only be allowed to vote for the youth-at-large representatives, and those over 18 years of age be allowed to vote only for the other five representatives.

The election schedule was also discussed as it related to the timing necessary for Council to pass resolutions and ordinances necessary to effect the election process.

Mayor Wood instructed Corporation Counsel Robinson to review all recommendations for the election procedures and to prepare for Council's approval the necessary resolutions and/or ordinances. He further instructed him to also prepare alternate documents that would restrict the 15-18 year olds to voting for only the youth-at-large representative.

SALE OF SURPLUS CITY PROPERTY AT 559 FAIRVIEW ROAD

Corporation Counsel Robert J. Robinson reported to Council that he had, by their instruction, auctioned off the surplus city property at 559 Fairview Road. He reported that with three bidders competing the final high bid received was $8,400.00. He said there was no provision which would allow an upset bid and that Council had 30 days to decide if the bid was acceptable.

Councilman Ochsenreiter moved that the bid of $8,400.00 be accepted and that Corporation Counsel prepare a resolution authorizing the mayor to sign the deed. This motion was seconded by Councilman Hoyle and carried unanimously.

PETITION FOR IMPROVEMENTS TO TIMOTHY AND CHARLES STREETS

Councilman Dailey presented a petition from a group of property owners on Timothy and Charles Streets in which they requested street paving, repairs to a fire hydrant, construction of a turn around on Charles Street and more street lighting. Mayor Wood turned the petition over to the City Manager for appropriate action.

ORDINANCE NO. 735 - AN ORDINANCE AMENDING SECTION 8-29 (B) 7 OF CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE.

6. Consideration was given to Ordinance No. 735, an ordinance amending Section 8-29 (B) 7 of Chapter 8, Article II of the Code of Ordinances of the City of Asheville known as the Housing Code.

The City Manager read the ordinance.

Councilman Morris moved the adoption of the ordinance which was seconded by Councilman Hoyle.

Mayor Wood excused Councilman Ochsenreiter at 4:15 p. m. During his absence a roll call vote was taken on Ordinance No. 735 and it was unanimously passed on its first reading.

Councilman Ochsenreiter returned to his regular seat at 4:20 p. m.

RESOLUTION NO. 72-30 - A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO A LEASE WITH THE NORTH CAROLINA DEPARTMENT OF REVENUE FOR OFFICE SPACE IN THE CITY HALL BUILDING

7. Consideration was given to Resolution No. 72-30, a resolution authorizing the mayor to execute an amendment to a lease with the North Carolina Department of Revenue for office space in the City Hall Building.

The City Manager read the resolution.

Upon motion by Vice-Mayor Marshall, seconded by Councilman Ochsenreiter, Resolution No. 72-30 carried unanimously.

Complete text of Resolution No. 72-30 will be found in Resolution Book No. 6 at page 185.

APPROVAL OF APPLICATION TO OPERATE A BILLIARD HALL AT 20 EAGLE STREET

8. Consideration was given to an application for a license to operate a billiard hall at 20 Eagle Street.

The City Manager reported to Council that he had received the required reports from the health, fire, police, and building inspector's office, all of which favorably recommended the approval of the application.

Councilman Dailey moved that the application be approved. This motion was seconded by Councilman Hoyle and was carried unanimously.

PROCLAMATION - NATIONAL YOUNG WOMEN'S CHRISTIAN ASSOCIATION WEEK

Mayor Wood proclaimed the week of April 23-29, 1972 as National YWCA Week.

PROCLAMATION - INTERNATIONAL SECRETARIES WEEK

Mayor Wood proclaimed the week of April 23-29, 1972 as International Secretaries Week.

Thursday - April 27, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Ruben J. Dailey, J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Henry E. Colton

1. Approval of minutes of April 20, 1972 meeting.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, the minutes of the April 20, 1972 meeting were approved as submitted.

ORDINANCE NO. 733 - AN ORDINANCE ESTABLISHING A CLOSING TIME FOR PUBLIC PARKS, AS AMENDED

2. Consideration was given to the second reading of Ordinance No. 733, an ordinance establishing the closing time for public parks. The ordinance was amended before the first reading to exclude the City-County Plaza from its provision. The City Manager therefore read the entire ordinance, as amended.

On a roll call vote, Ordinance No. 733 passed unanimously on the second reading.

ORDINANCE NO. 734 - AN ORDINANCE PROHIBITING DRINKING OF INTOXICATING LIQUOR IN SPECIFIED AREAS AND THE DISPOSAL OF CONTAINERS

3. Consideration was given to the second reading of Ordinance No. 734, an ordinance prohibiting drinking of intoxicating liquor in specified areas and the disposal of containers.

Ordinance No. 734 passed unanimously on the second reading.

ORDINANCE NO. 735 - AN ORDINANCE AMENDING SECTION 8-29 (B) 7 OF CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE

4. Consideration was given to the second reading of Ordinance No. 735, an ordinance amending Section 8-29 (B) 7 of Chapter 8, Article II of the Code of Ordinances of the City of Asheville known as the Housing Code.

Ordinance No. 735 passed unanimously on its second reading.

ORDINANCE NO. 736 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1972 AND ENDING JUNE 30, 1973.

5. Consideration was given to Ordinance No. 736, an ordinance levying, assessing, imposing, and defining the license and privilege taxes of the City of Asheville for the fiscal year beginning July 1, 1972 and ending June 30, 1973.

CORPORATION COUNSEL ROBERT J. ROBINSON'S REPORT TO COUNCIL - LOMA CORPORATION FINAL PLAT

Corporation Counsel Robert J. Robinson reported to Council that he had reviewed the final subdivision plat of the Loma Corporation Subdivision and that he was unable to certify compliance with all the requirements of Section 26-6 of the Code. He stated that this was a condominium project, and the nature of the final plat does not indicate that the property has been subdivided and therefore, he was unable to make any determination in regard to it. He recommended that the matter be referred back to Planning and Zoning for any recommendation that they might make for amending the code to cover condominiums.

Mayor Wood instructed the City Clerk to refer the approval of the Loma Corporation final subdivision plat back to the Planning and Zoning Commission for further review and recommendation.

WILLIAM McCANLESS REQUEST FOR TIME EXTENSION ON HOUSE DEMOLITION AT 166 MONTFORD

William McCanless stated to Council that he was owner of a piece of property at 166 Montford Avenue that was scheduled by ordinance to be demolished on April 21, 1972. He plead that due to sickness he was unable to restore the house as planned and asked for an extension of time. Due to the condition of the house and the length of time that the house has been vacant Council denied his request for restoration.

Mr. McCanless then requested additional time to demolish the house himself. Councilman Morris moved that Mr. McCanless be allowed 30 days to salvage and remove all worthwhile materials, and at the end of 30 days the City would complete the demolition. Vice-Mayor Marshall seconded this motion and it carried.

ASHEVILLE BUNCOMBE COUNTY YOUTH COUNCIL GOVERNMENT DAY

Mayor Wood welcomed the Asheville Buncombe County Youth Council members to the City Council meeting and invited them to take over the Council seats as part of their participation in City Government Day.

Adjournment.

Richard D. Wood, Jr.
MAYOR

William E. Wolcott
CITY CLERK

Mayor Wood asked the clerk to call the roll on the third reading and Ordinance No. 737 again passed unanimously on the third and final reading.

Complete text of Ordinance No. 737 will be found in Ordinance Book No. 5 at page 221.

Council then reconsidered Resolution No. 72-31 previously presented. Upon motion by Councilman Dailey, seconded by Councilman Ochsenreiter, Resolution No. 72-31 carried unanimously.

Complete text of Resolution No. 72-31 will be found in Resolution Book No. 6 at page 186.

RESOLUTION NO. 72-32 - A RESOLUTION AUTHORIZING THE EXECUTION OF A THIRD PARTY CONTRACT FOR THE OPERATION OF THE EMERGENCY ASSISTANCE PROGRAM FOR THE "NEEDY" TARGET AREA RESIDENTS PROJECT OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM

7. Consideration was given to a resolution authorizing the execution of a third party contract for the operation of the Emergency Assistance Program for the "needy" target area residents project of the Comprehensive City Demonstration Program.

The City Manager read the resolution.

Mayor Wood left the meeting and turned it over to Vice-Mayor Marshall. He returned during the discussion period on the resolution and presided during the voting.

Upon motion by Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 72-32 was unanimously adopted.

Complete text of Resolution No. 72-32 will be found in Resolution Book No. 6 at page 187.

RESOLUTION NO. 72-33 - A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE DEED FOR SALE OF REAL PROPERTY LOCATED AT 559 FAIRVIEW ROAD

8. Consideration was given to a resolution authorizing the Mayor to execute deed for sale of real property located at 559 Fairview Road.

The City Manager read the resolution.

Council approved the conditions of the sale at the last meeting.

Upon motion of Councilman Hovle, seconded by Vice-Mayor Marshall, Resolution No. 72-33 was unanimously adopted.

Complete text of Resolution No. 72-33 will be found in Resolution Book No. 6 at page 188.

BIDS FOR 1972 TRACTOR FOR PARKS AND RECREATION DEPARTMENTS

9. Consideration was given to bids received April 24, 1972 for one (1) 1972 industrial type tractor.

The City Manager read the bids received and the recommendation of the Purchasing Agent and the Director of Parks and Recreation, who both recommended

Due to the lengthy contents of the document each councilman was furnished a complete copy of the ordinance, and the City Manager was given permission to read specific sections.

Councilman Ochsenreiter moved for the adoption of the ordinance which was seconded by Vice-Mayor Marshall and on a roll call vote, the ordinance passed unanimously on its first reading.

ORDINANCE NO. 737 - AN ORDINANCE TO AMEND SECTION 2-57 ENTITLED "OPERATION OF THE COMMISSION" OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE: AND,

RESOLUTION NO. 72-31- A RESOLUTION APPROVING AND ADOPTING POLICIES AND PROCEDURES FOR THE CONDUCT OF THE 1972 ELECTION TO THE ASHEVILLE MODEL CITIES COMMISSION.

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6. Consideration was given to an ordinance to amend Section 2-57 entitled "Operation of the Commission" of the Code of Ordinances of the City of Asheville, and also, consideration was given to two resolutions approving and adopting policies and procedures for the conduct of the 1972 elections to the Model Cities Commission.

The City Manager read the first of two resolutions which encompassed the recommendation of the Model Cities Commission for the conduct of their 1972 election. Then he read the second resolution which incorporated several changes suggested by Council members at the April 20, 1972 meeting. These changes principally involved the age requirement of the youth-at-large representative and the registration and voting restrictions pertaining to the youth-at-large representative.

In the discussion on the resolutions several teenagers spoke in favor of 15 year old youths being eligible to run for the youth-at-large post. They cited statistics of youthful envolvement in other cities. Mrs. Nora Valentine, a resident of the Model Cities Area, as well as Logan Delany, appealed to Council not to ignore the interest being displayed by the teenagers.

Mayor Wood explained that theit would be no problem in lowering the required age to 16 but to lower it to 15 would conflict with the N. C. Child Labor Law. He said the law restricted 15 year olds from working after 7:00 p. m. and for more than 40 hours a week, including the time spent in school.

It was concluded that in order to permit a 16 year old to serve as the youth at large representative, Section 2-57 of the Model Cities Ordinance would have to be amended. This would change the required age from 17-21 years to 16-21 years. Corporation Counsel was asked by Council to prepare such an amendment and on completion to present it for their consideration.

After some minor revisions Councilman Morris moved for the adoption of the amendment. Councilman Dailey seconded the motion and on a roll call vote Ordinance No. 737 was passed unanimously on the first reading.

In the interest of time necessary to meet the election schedule, Councilman Morris moved that the rules be suspended and that Council proceed with the second and third readings. This motion was seconded by Vice-Mayor Marshall and carried unanimously, with Mayor Wood not voting.

Mayor Wood asked the Clerk to call the roll on the second reading which carried unanimously.

AUDITORS INTERVIEW - 12:00 o'clock Noon - THURSDAY, MAY 4, 1972

Mayor Wood announced that on Thursday, May 4, 1972, at 12:00 o'clock Noon, in the Mayor's Office of the City Hall, Council would interview any CPA's who would like to submit proposals for auditing the City of Asheville's General Fund and Water Fund.

PROCLAMATION - N. C. SYMPHONY MONTH

Mayor Wood proclaimed the month of May as N. C. Symphony Month

PROCLAMATION - LAW DAY

Mayor Wood proclaimed Monday, May 1, 1972 as Law Day.

PROCLAMATION - CONSUMER INFORMATION WEEK

Mayor Wood proclaimed May 1-6 as Consumer Information Week.

PETITION - EAGLE AND MARKET STREETS

Rev. Clydell Johnson presented a petition in behalf of the Asheville-Buncombe County Interdenominational Ministerial Alliance calling for better lighting, closing of dead end alleys and more than one officer along Eagle and Market Streets.

Mayor Wood thanked him and advised that it would be turned over to the City Manager for appropriate action.

MISS DANIEL McCOY - REPORT ON CHEMICALS IN WATER

Miss McCoy presented Council with some literature on floridation and a report on the amount of chemicals put in the Asheville water supply at North Fork Reservoir on April 27, 1972.

E. R. McCARTHY ANTI-NOISE ORDINANCE

Mr. E. R. McCarthy spoke to Council on the present weak noise ordinance as it applies to the Amboy Road race track. He asked that they take under advisment measures for a stronger anti-noise ordinance as well as stricter supervision.

LARRY McDEVITT - APPEAL FOR COMPENSATION TO POLICE OFFICERS FOR OFF-DUTY TIME SPENT IN COURT

Mr. Larry McDevitt, attorney, representing the Asheville unit of the Fraternal Order of Police, appealed to Council to consider, in its 1972-73 budget, some fair way to compensate officers for the off-duty time spent in court testifying as witnesses.

Adjournment

Richard A. Wood
MAYOR

William S. Wolcott
CITY CLERK

accepting the second low bid of $4,026.12 submitted by Farm Equipment Company. They concurred that the low bid of $3,699.20, submitted by C and H Equipment Company did not meet specifications.

Councilman Morris moved that the low bid of Farm Equipment Company in the amount of $4,026.12 be accepted, and that this firm be awarded the contract. This motion was seconded by Councilman Dailey and carried unanimously.

The following is the bid summary for bid request No. 134 - One (1) 1972 Industrial Tractor:

Bidder	Total Bid
Great Western Equipment Company	$ 4,041.77
Arden Equipment Company	4,220.34
Farm Equipment Company	4,026.12
C and H Equipment Company	3,699.20
Rogers Ford Tractor	4,310.00
Western Carolina Tractor	8,000.00

RESOLUTION NO. 72-34 - A RESOLUTION OF INTENTION TO ANNEX CERTAIN PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE

10. Consideration was given to a resolution of intention to annex certain property to the corporate limits of the City of Asheville.

The City Manager read the resolution which described the area proposed for annexation, and Nick Kmecza, Planning Director, further described the boundary with the use of prepared maps.

Councilman Ochsenreiter moved the adoption of the resolution, which was seconded by Councilman Hoyle and carried unanimously.

Complete text of Resolution No. 72-34 will be found in Resolution Book No. 6 at page 189.

CITY MANAGER REPORTS ON AIRLINE NEGOTIATIONS

City Manager Phin. Horton reported to Council that he had met with airlines officials during the past week to further negotiate the landing fees rates at the Asheville Airport. He said the fees agreed upon were for 1972, 10 cents per thousand pounds landing weight for the first 10 million pounds per month, and 8 cents per thousand pounds for all in excess of 10 million pounds. For 1973, 11 cents per thousand pounds landing weight. For 1974, 12 cents per thousand pounds landing weight. For 1975, 13 cents per thousand pounds landing weight. He said that at the next week meeting he would recommend that Council rescind the previously adopted unilateral ordinance setting up the fees at 13 cents per thousand pounds, and pass a resolution adopting the above negotiated fees.

Mayor Wood commended Horton and Gary Taylor, Director of Aviation, for their efforts in accomplishing the final settlement. He asked that the documents necessary to implement the acceptance of the negotiated fees schedule be prepared for consideration at the next Council meeting.

Council was furnished with a copy of the Ordinance No. 735, and therefore it was not re-read at this time.

On a roll call vote Ordinance No. 735 passed unanimously on its third and final reading.

Complete text of Ordinance No. 735 will be found in Ordinance Book No. 5 at page 224.

ORDINANCE NO. 736 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1972 AND ENDING JUNE 30, 1973

5. Consideration was given to the second reading of Ordinance No. 736, an ordinance levying, assessing, imposing, and defining the license and privilege taxes of the City of Asheville for the fiscal year beginning July 1, 1972 and ending June 30, 1973.

On a roll call vote, Ordinance No. 736 passed unanimously on its second reading.

RESOLUTION NO. 72-35 - A RESOLUTION APPROVING THE SUBMISSION OF THE WORKABLE PROGRAM FOR RECERTIFICATION

6. Consideration was given to a resolution approving the submission of the Workable Program for Recertification.

The City Manager read the resolution and Ken Michalove, Municipal Coordinator, was asked by Council for a brief review.

Upon motion of Councilman Dailey, seconded by Councilman Hoyle, Resolution No. 72-35 was unanimously adopted.

Complete text of Resolution No. 72-35 will be found in Resolution Book No. 6 at page 190.

RESOLUTION NO. 72-36 - A RESOLUTION AUTHORIZING THE EXTENSION OF AN EXISTING THIRD PARTY CONTRACT WITH THE METROPOLITAN PLANNING BOARD FOR THE OPERATION OF THE COMMUNITY RENEWAL PROGRAM AND THE COMPREHENSIVE DATA PROGRAM.

7. Consideration was given to a resolution authorizing the extension of an existing third party contract with the Metropolitan Planning Board for the operation of the Community Renewal Program and the Comprehensive Data Program.

The City Manager was requested to read the resolution and Ken Michalove, Municipal Coordinator, when called on, explained to Council that the extension was necessary because the federal government was phasing out the funding for the CRP programs; however, the Metropolitan Planning Board had about six months work to do on the project already under way.

Thursday - May 4, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Ruben J. Dailey, J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Henry E. Colton

1. Approval of minutes of April 27, 1972 meeting.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, the minutes of the April 27, 1972 meeting were approved as submitted.

ORDINANCE NO. 733 - AN ORDINANCE ESTABLISHING A CLOSING TIME FOR PUBLIC PARKS, AS AMENDED.

2. Consideration was given to the third and final reading of Ordinance No. 733, an ordinance establishing the closing time for public parks.

Council was furnished with a copy of Ordinance No. 733, and therefore it was not re-read at this time.

On a roll call vote, Ordinance No. 733 passed unanimously on its third and final reading.

Complete text of Ordinance No. 733 will be found in Ordinance Book No. 5 at page 222.

ORDINANCE NO. 734 - AN ORDINANCE PROHIBITING DRINKING OF INTOXICATING LIQUOR IN SPECIFIED AREAS AND THE DISPOSAL OF CONTAINERS

3. Consideration was given to the third and final reading of Ordinance No. 734, an ordinance prohibiting drinking of intoxicating liquor in specified areas and the disposal of containers.

Council was furnished with a copy of the Ordinance No. 734 and therefore it was not re-read at this time.

On a roll call vote, Ordinance No. 734 passed unanimously on its third and final reading.

Complete text of Ordinance No. 734 will be found in Ordinance Book No. 5 at page 223.

ORDINANCE NO. 735 - AN ORDINANCE AMENDING SECTION 8-29 (B) 7 OF CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE

4. Consideration was given to the third and final reading of Ordinance No. 735, an ordinance amending Section 8-29 (B) 7 of Chapter 8, Article II of the Code of Ordinances of the City of Asheville known as the Housing Code.

The City Manager brought to Council's attention that the next order of business for their consideration was the passage of a resolution authorizing the Mayor to execute an agreement with the airlines, with respect to the landing fees at the Asheville Airport. He noted that the resolution could not be acted on until the ordinance under consideration had been adopted. He suggested that they might like to proceed with the second and third readings at this time.

Councilman Morris then moved to suspend the rules and proceed with the second and third readings of Ordinance No. 738. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote, Ordinance No. 738 passed unanimously on its second reading.

On a roll call vote, Ordinance No. 738 passed unanimously on the third and final reading.

Complete text of Ordinance No. 738 will be found in Ordinance Book No. 5 at page 225.

RESOLUTION NO. 72-38 - A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AMENDING AGREEMENTS WITH PIEDMONT AIRLINES, UNITED AIRLINES AND DELTA AIR LINES WITH RESPECT TO LANDING FEES AND SPACE RENTALS AT THE ASHEVILLE AIRPORT.

11. Consideration was given to a resolution authorizing the Mayor to execute an agreement amending agreements with Piedmont Airlines, United Airlines and Delta Airlines, with respect to landing fees and space rentals at the Asheville Airport.

The City Manager was requested to read the resolution, at the conclusion of which he reviewed with Council the results of the lengthy negotiations sessions with the airlines. He said that after the give and take sessions was completed, the resulting new fee schedule agreed on would substantially increase the revenues to the city over the next four years. He said that substituting the two way agreement in place of the unilateral "13 cent ordinance" would definitely establish a better cooperative relationship between the airlines and the city, and he strongly recommended Council's acceptance.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, Resolution No. 72-38 was unanimously adopted.

Complete text of Resolution No. 72-38 will be found in Resolution Book No. 6 at page 193.

RESOLUTION NO. 72-39 - A RESOLUTION APPROVING THE ISSUANCE OF THE $150 MILLION CLEAN WATER BOND ISSUE

12. Consideration was given to a resolution approving the issuance of the $150 million Clean Water Bond issue.

Mr. Logan Delany, Model Cities Director, stated that he felt that the record should indicate that Model Cities was funding this project.

Upon motion of Councilman Ochsenreiter, seconded by Vice-Mayor Marshall, Resolution No. 72-36 was unanimously adopted.

Complete text of Resolution No. 72-36 will be found in Resolution Book No. 6 at page 191.

RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO A THIRD PARTY CONTRACT WITH METROPOLITAN PLANNING BOARD FOR THE OPERATION OF COMPREHENSIVE PLANNING ASSISTANCE GRANT (SECTION 701, HOUSING ACT OF 1954, AS AMENDED).

8. A resolution authorizing the Mayor of the City of Asheville to enter into a third party contract with Metropolitan Planning Board for the operation of Comprehensive Planning Assistance Grant (Section 701; Housing Act of 1954, as amended) scheduled to be considered, was on the request of Ken Michalove, Municipal Coordinator, postponed until a later meeting.

RESOLUTION NO. 72-37 - A RESOLUTION APPROVING AND PROVIDING FOR EXECUTION OF PROPOSED CONTRACT FOR COMPREHENSIVE PLANNING ASSISTANCE GRANT NO. CPA-NC-04-20-1011 BETWEEN THE CITY OF ASHEVILLE, NORTH CAROLINA AND THE UNITED STATES OF AMERICA PERTAINING TO THE PREPARATION OF COMMUNITY RENEWAL PROGRAM NO. N.C.R.-137 (CRP).

9. Consideration was given to a resolution approving and providing for execution of proposed contract for Comprehensive Planning Assistance Grant No. CPA-NC-04-20-1011 between the City of Asheville, North Carolina and the United States of America pertaining to the preparation of Community Renewal Program No. N.C.R.-137 (CRP).

The City Manager read the resolution and Ken Michalove, Municipal Coordinator, explained that this contract would complete the remainder of the CRP Program which is scheduled to be phased out December 24, 1972.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 72-37 was unanimously adopted.

Complete text of Resolution No. 72-37 will be found in Resolution Book No. 6 at page 192.

ORDINANCE NO. 738 - AN ORDINANCE AMENDING SECTION 29 "SCHEDULE OF CHARGES," OF DIVISION 3 (SEC. 3A-39) OF CHAPTER 3 A OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE MUNICIPAL AIRPORT

10. Consideration was given to Ordinance No. 738, an ordinance amending Section 29 "Schedule of Charges," of Division 3 (Sec. 3A-39) of Chapter 3 A of the Code of Ordinances of the City of Asheville: Providing a schedule of charges for use of Asheville Municipal Airport.

The City Manager read the ordinance and each member of Council was furnished with a copy.

Upon motion of Councilman Dailey, seconded by Vice-Mayor Marshall, on a roll call vote, Ordinance No. 738 passed unanimously on the first reading.

MR. BOB CLONTZ - ANNEXATION

Mr. Bob Clontz, representing the residents of Parkway Forest Subdivision questioned Council on several points relative to the proposed annexation of this area. Mayor Wood informed him that all his questions would be answered in a report submitted by the Planning Department 14 days prior to the public hearing on the matter. In the meantime he told Mr. Clontz that copies of an overall annexation plan was available in the Metropolitan Planning Board office.

Adjournment.

MAYOR

CITY CLERK

Vice-Mayor Marshall introduced and moved for the adoption of the resolution. This motion was seconded by Councilman Morris, and carried unanimously.

Complete text of Resolution No. 72-39 will be found in Resolution Book No. 5 at page 194.

RESOLUTION NO. 72-40 - A RESOLUTION IN MEMORY OF KINGSLAND VAN WINKLE

12. Consideration was given to a resolution in memory of Kingsland Van Winkle.

Councilman Ochsenreiter introduced the resolution and moved for its adoption. This motion was seconded by Councilman Hoyle and carried unanimously.

Complete text of Resolution No. 72-40 will be found in Resolution Book No. 6 at page 195.

PROCLAMATION - NATIONAL HOSPITAL WEEK - MAY 7-13, 1972

Mayor Wood proclaimed the week of May 7-13, 1972 as National Hospital Week.

AIR SHOW - ASHEVILLE AIRPORT

Several members of the Western North Carolina Pilots Association appeared before Council with an appeal for approval for the use of the Asheville Airport to sponsor an airshow. Mr. W. E. Norwood, the chief spokesman, explained to Council that the group had put on the shows for the past several years and none of them had been a financial success. He said they did not anticipate that the show would be an annual event but that they were particularly interested in this years show as a means of recouping their losses from previous years. He said his organization was prepared to pay the city for cleaning up and any damage that might occur. The proposed $2,500.00 deposit for insuring this,he felt was out of line and beyond their means. He asked that this figure be adjusted.

After some discussion, Councilman Ochsenrieter moved that the air show be allowed to be held this year, with the understanding that it not be an annual event, and provided that a satisfactory agreement on costs can be reached between the City Manager and officials of the W N C Pilots Association.

Councilman Hoyle seconded this motion and was carried unanimously.

MR. JOHN HAWN'S APPEAL FOR SUMMER RECREATION FACILITIES IN THE CLAXTON SCHOOL AREA

Mr. John M. Hawn, Pastor of the St. Mark's Lutheran Church, informed Council that the members of his and other churches in the area of Claxton School were concerned that a summer supervised recreation program was not included in the Parks and Recreation Department plans for this summer. He said that this was a densely populated area with many small children and there was a definite need for supervised recreation for this area. He asked Council to give the matter every consideration and pledged the cooperation and assistance of his group in both volunteer help and equipment.

Mayor Wood thanked him and informed that his request would be given consideration

RESOLUTION NO. 72-48 - A RESOLUTION DIRECTING CITY MANAGER TO NEGOTIATE A CONTRACT WITH WILBUR SMITH AND ASSOCIATES TO PERFORM AN AREA PARKING AND FEASIBILITY STUDY OF DOWNTOWN ASHEVILLE.

4. Consideration was given to a resolution directing the City Manager to negotiate a contract with Wilbur Smith and Associates to perform an area parking and feasibility study of Downtown Asheville.

Upon motion of Councilman Ochsenreiter, seconded by Vice-Mayor Marshall, Resolution No. 72-48 was unanimously adopted.

Complete text of Resolution No. 72-48 will be found in Resolution Book No. 6 at page 203.

PRESENTATION BY THE ASHEVILLE AGRICULTURAL DEVELOPMENT COUNCIL.

5. Mayor Wood recognized former Mayor Earl Eller as the first of four speakers representing the Asheville Agriculture Development Council, who presented a review of the Council's activities for the past year. Mr. Richard Wynne, Mr. Fred Pearlman and Mr. Morris McGough each spoke briefly and concluded with a request for continued support from City Council in the fiscal year 1972-73.

RESOLUTION NO. 72-41 - A RESOLUTION APPROVING EXTENSION OF THE SANITATION PARTICIPATION PROJECT OF THE FIRST ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM.

6. Consideration was given to Resolution No. 72-41, a resolution approving extension of the Sanitation Participation Project of the First Action Year Comprehensive Demonstration Program.

The City Manager read the resolution.

Upon motion of Councilman Dailey, seconded by Councilman Morris, Resolution No. 72-41 was unanimously adopted.

Complete text of Resolution No. 72-41 will be found in Resolution Book No. 6 at page 196.

RESOLUTION NO. 72-42 - A RESOLUTION APPROVING THE EXECUTION OF THIRD PARTY CONTRACT FOR THE OPERATION OF A 1972 SUMMER PROJECT, "FREE LUNCH PROGRAM" IN THE SECOND ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

7. Consideration was given to Resolution No. 72-42, a resolution approving the execution of third party contract for the operation of a 1972 summer project, "Free Lunch Program" in the Second Action Year Comprehensive City Demonstration Program.

Councilman Colton moved for the adoption of the Resolution No. 72-42, which was seconded by Councilman Dailey.

In the discussion that followed, Council questioned Mr. Larry Fisher, Deputy Director of Model Cities, on the cost of the program, the eligibility of the recipients, the method and basis of distribution and the possibilities of abuse of the project. Mayor Wood instructed Mr. Fisher to make a check to see if there was any practical way to control the distribution and guard against possible abuse.

Thursday - May 11, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Henry E. Colton, Ruben J. Dailey, J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of May 4, 1972 meeting.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, the minutes of the May 4, 1972 meeting were approved as submitted.

ORDINANCE NO. 736 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1972 AND ENDING JUNE 30, 1973.

2. Consideration was given to the third and final reading of Ordinance No. 736, an ordinance levying, assessing, imposing, and defining the license and privilege taxes of the City of Asheville for the fiscal year beginning July 1, 1972 and ending June 30, 1973.

Council was furnished with a copy of Ordinance No. 736, and therefore it was not re-read at this time.

On a roll call vote, Ordinance No. 736 passed unanimously on its third and final reading.

Complete text of Ordinance No. 736 will be found in Ordinance Book No. 5 at page 226.

RESOLUTION NO. 72-47 - A RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE READOPTION OF ORDINANCES RELATING TO PLANNING, SUBDIVISION REGULATION, ZONING, BUILDING INSPECTION AND MINIMUM HOUSING STANDARDS.

3. Consideration was given to a resolution calling for a public hearing for the readoption of ordinances relating to planning, subdivision regulation, zoning, building inspection and minimum housing standards.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, Resolution No. 72-47 was unanimously adopted.

The Mayor then instructed the City Clerk to publish notice of the public hearing in the Asheville Times once a week for two successive weeks prior to hearing, such notice to be published the first time not less than 15 days nor more than 25 days prior to the meeting. The City Clerk was also instructed to secure the publisher's affidavit that such notice was duly published.

Complete text of Resolution No. 72-47 will be found in Resolution Book No. 6 at page 202.

RESOLUTION NO. 72-46 - RESOLUTION APPROVING THE EXECUTION OF THIRD PARTY CONTRACT FOR THE OPERATION OF A 1972 SUMMER PROJECT, "CREATIVE ARTS AND CRAFTS" IN THE SECOND ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

7. Consideration was given to Resolution No. 72-46, a resolution approving the execution of third party contract for the operation of a 1972 Summer Project, "Creative Arts and Crafts" in the Second Action Year Comprehensive City Demonstration Program.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, Resolution No. 72-46 was unanimously adopted.

Complete text of Resolution No. 72-46 will be found in Resolution Book No. 6 at page 201.

BIDS - GENERAL, HEATING AND AIR CONDITIONING, ELECTRICAL, AND PLUMBING CONTRACTS ON THE CIVIC CENTER.

8. Consideration was given to the bids received May 2 and May 10, 1972 for the General, Heating and Air Conditioning, Electrical and Plumbing Contracts for the Civic Center.

The City Manager read letters from Baber and Wood Architects and the Civic Center Sub-committee recommending that no action be taken on the low bids at this time, pending further study and evaluation.

The City Manager added that the bids were higher than anticipated, and he concurred with the previous recommendations that no action be taken at this time. He asked that Council instruct him to discuss the bids with the low bidders in an effort to arrive at a negotiated bid.

Mayor Wood deferred action on the bids and instructed the City Manager to discuss the bids further with the low bidders.

INCREASE IN PARKING RATES AT THE ASHEVILLE AIRPORT

9. Consideration was given to a request of Air Terminal Parking Company, Inc., for an increase in the parking rates at the Asheville Airport.

The City Manager read a memorandum from the Director of Aviation recommending that the requested increase be granted.

The City Manager reviewed the present rates and the proposed increased rates and stated that he concurred with the recommendations. He said that the new schedule was in line with other airports comparable in size to Asheville.

Councilman Colton moved that the request to increase the parking rates at the Asheville Airport be approved. This motion was seconded by Councilman Hoyle and carried unanimously.

On a voice vote, Resolution No. 72-42 was unanimously adopted.

Complete text of Resolution No. 72-42 will be found in Resolution Book No. 6 at page 197.

RESOLUTION NO. 72-43 - A RESOLUTION APPROVING AMENDMENT TO THE ASHEVILLE COMPREHENSIVE CITY DEMONSTRATION PROGRAM BY ADOPTION AND INCLUSION THEREIN OF A NEW PROJECT, ENTITLED YMCA SUMMER DAY CAMP SCHOLARSHIP PROGRAM

7. Consideration was given to Resolution No. 72-43, a resolution approving amendment to the Asheville Comprehensive City Demonstration Program by adoption and inclusion therein of a new project, entitled YMCA Summer Day Camp Scholarship Program.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Dailey, Resolution No. 72-43 was unanimously adopted.

Complete text of Resolution No. 72-43 will be found in Resolution Book No. 6 at page 198.

RESOLUTION NO. 72-44 - A RESOLUTION APPROVING THE EXECUTION OF THIRD PARTY CONTRACT FOR THE OPERATION OF A 1972 SUMMER PROJECT, "YWCA COMMUNITY WORKSHOP AND CAMP" IN THE SECOND ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

7. Consideration was given to Resolution No. 72-44, a resolution approving the execution of third party contract for the operation of a 1972 Summer Project, "YWCA Community Workshop and Camp" in the Second Action Year Comprehensive City Demonstration Program.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 72-44 was unanimously adopted.

Complete text of Resolution No. 72-44 will be found in Resolution Book No. 6 at page 199.

RESOLUTION NO. 72-45 - A RESOLUTION APPROVING THE EXECUTION OF THIRD PARTY CONTRACT FOR THE OPERATION OF A 1972 SUMMER PROJECT, "BOY SCOUT SUMMER CAMPERSHIP" IN THE SECOND ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM.

8. Consideration was given to Resolution No. 72-45, a resolution approving the execution of third party contract for the operation of a 1972 Summer Project, "Boy Scout Summer Campership" in the Second Action Year Comprehensive City Demonstration Program.

The City Manager read the resolution.

Upon motion of Councilman Dailey, seconded by Councilman Ochsenreiter, Resolution No. 72-45 was unanimously adopted.

Complete text of Resolution No. 72-45 will be found in Resolution Book No. 6 at page 200.

WE THEREFORE PROCLAIM THAT THE WEEK OF MAY 14th TO MAY 20th TO BE POLICE WEEK and call upon all our citizens in this community to especially honor and show our sincere appreciation for the Police Officers of the City by deed, remark and attitude. I call upon our citizens to make every effort to express their thanks to our men who make it possible for us to leave our homes and family in safety each day and to return to our homes knowing they are protected by men willing to sacrifice their lives, if necessary, to guard our loved ones, property and government against all those who would violate the law.

Richard A. Wood, Jr.
MAYOR

WILLIAM RAMSEY - LETTER TO COUNCIL WITH REGARD TO "NATIONAL POLICE WEEK."

Mr. William Ramsey, representing Taxpayers, Inc., read a letter addressed to the Mayor and members of Council suggesting that some action be taken to praise and show support for the Police Department. He expressed his organizations wholehearted support for the Mayor's previous proclamation and explained a plan underway to sponsor an essay contest on "Why I Like the Police."

Mayor Wood thanked him and directed the City Clerk to make the entire letter a part of the minutes. The text of the letter follows:

TO: Mayor Dick Wood, and members of the Council

FROM: William Ramsey, representing Taxpayers, Inc.

Mr. Mayor and Members of the Council:

This is perhaps my first appearance before this fine Council. I came before the former Council several times in the interest of single-family units for low-rent housing developments. Now that single-family units are a reality for low-income families, I come again with another suggestion.

Some weeks ago at a meeting of Taxpayers, Inc., our members voiced a desire to set in motion something that would praise and benefit our local Police Department. Mrs. Garren and I went to Police Chief J. C. Hall with the suggestion and recommendation that a day or week be set aside to honor our local Police Department. From there we took up the idea with Bob Terrell with the Asheville Citizen who agreed with the idea and voiced our suggestion in the following morning's newspaper column. After calling Mayor Wood, we also found that he was agreeable and promised to check with Police Chief Hall.

To support our fine Police Department in face of rising tide of crime is not only good business, but a part of our duty as good citizens. They not only protect our businesses and our lives, but they do many other acts of kindness and courtesy beyond the call of duty.

"Greater love hath no man than to lay down his life for a brother." The Police place their lives in jeopardy that we might have peace. Some have made the supreme sacrifice.. All too recently we have had a dramatic example of this.

Now that our good Mayor and members of the Council are going to issue a proclamation setting aside the week of May 14-20 as Policemen's Week, the members of Taxpayer's Inc. and myself wish to express our wholehearted support of this proclamation. I would like to go one step further and suggest that this proclamation will help to establish a precedent whereby each year a designated time will be set aside to honor local Police.

RESOLUTION NO. 72-49 - RESOLUTION REGARDING AUDITING CONTRACT

10. Consideration was given to Resolution No. 72-49, a resolution regarding auditing contract.

Mayor Wood read a memorandum addressed to the City Council informing them that the committee appointed to interview and recommend an auditing firm for the fiscal year ending June 30, 1972, had met, and were prepared to recommend the firm of Calder and Crawley Company, C.P.A.'s. He said that he had taken the liberty of preparing a resolution to this effect for their consideration.

Upon motion of Councilman Hoyle, seconded by Councilman Morris, a resolution directing the City Manager to execute a contract with the auditing firm of Calder and Crawley Company, was unanimously adopted.

Complete text of Resolution No. 72-49 will be found in Resolution Book No. 6 at page 204.

ROBERT ANTHONY'S LETTER TO COUNCIL REGARDING SPRUCE STREET RE-OPENING.

Mayor Wood read a letter from Robert Anthony, owner of R. W. Anthony and Company, 28 Spruce Street, appealing to Council to make every effort to reopen Spruce Street from Market Street to Woodfin Street.

Mayor Wood directed the City Clerk to send a copy of the letter to Mr. Wheeling, Director of the Asheville Housing Authority, with a request that he respond to Mr. Anthony's letter and send a copy to his office.

PROCLAMATION - MAY, 1972 - "SENIOR CITIZENS MONTH"

Mayor Wood proclaimed the month of May, 1972 as "Senior Citizens Month."

PROCLAMATION - WEEK OF MAY 15, 1972 "NATIONAL POLICE WEEK" AND MAY 15, 1972 AS "POLICE MEMORIAL DAY"

Mayor Wood read a proclamation which proclaimed the week of May 15, 1972 as "National Police Week" and May 15th, 1972 as "Police Memorial Day." He directed that the entire proclamation be made a part of the minutes. The text of the proclamation follows:

PROCLAMATION

WHEREAS, the Congress of the United States of America has designated the week of May 15th to be dedicated as "National Police Week," and May 15th of each year to be "Police Memorial Day," and

WHEREAS, the Law Enforcement Officers are our guardians of life and property, defenders of the individual right to be free men, warriors in the war against crime and dedicated to the preservation of life, liberty and pursuit of happiness, and

WHEREAS, the City of Asheville desires to honor the valor, service and dedication of its own police officers,

Thursday - May 18, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., Henry E. Colton, J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/ City Clerk William F. Wolcott, Jr.

Absent: Councilman Eugene C. Ochsenreiter, Jr. and Councilman Ruben J. Dailey

1. Approval of minutes of May 11, 1972 meeting.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall, the minutes of the May 11, 1972 meeting were approved as submitted.

PLAN FOR EXTENDING SERVICES INTO THE SOUTHEAST ANNEXATION AREA

2. Consideration was given to a plan for extending services into the Southeast Annexation Area.

Nick Kmecza, Executive Director of the Planning and Zoning Commission, explained to Council that in submitting the plan for extending services into the proposed annexation area he was following the requirements as set forth in the General Statutes of North Carolina. He reviewed the plan and the steps to be taken in implementing it.

Councilman Colton moved for the adoption of the report, which was seconded by Councilman Hoyle and the motion carried unanimously.

ZONING - RECOMMENDATION OF PLANNING AND ZONING COMMISSION FOR ZONING PROPOSED SOUTHEAST ANNEXATION AREA

3. Consideration was given to a recommendation from the Asheville Planning and Zoning Commission for establishing the original zoning of the proposed Southeast Annexation Area.

Nick Kmecza, Executive Director of the Asheville Planning and Zoning Commission, using a prepared map reviewed the proposed zoning boundaries.

It was moved by Councilman Morris, seconded by Vice-Mayor Marshall, that the City Clerk be instructed to follow the legal procedure and advertise for the public hearing on the proposed zoning. That the advertisement be at city expense and the date for the public hearing be set for June 8, 1972.

This motion carried unanimously.

NEWS RELEASE- APPROVAL BY THE APPALACHIAN REGIONAL COMMISSION OF $101,550.00 GRANT FOR THE CONSTRUCTION OF THE SOUTH BUNCOMBE WATER LINE.

4.Mayor Wood interrupted the regular agenda to announce the approval by Appalachian Regional Commission of $101,550.00 for the construction of the South Buncombe Water Line. Complete text of the news release follows:

If we can gain the permission from the Buncombe County Board of Education, we would like to offer an award to the student who writes the best essay or composition on the subject of "Why I Like the Police." This award could be given during the next established week honoring Policemen.

Sincerely,

William Ramsey
Representing Taxpayers, Inc.

WILLIAM McCANLESS - REQUEST FOR EXTENSION TO DEMOLISH HOUSE AT 166 MONTFORD AVENUE

Mr. William McCanless, who on April 20, 1972 was granted a 30 day extension to demolish a house on his property at 166 Montford Avenue, again appeared before Council with a similiar request for a further extension. He plead that he was unable to complete a demolition contract in the time allocated, but that he now had a contractor who would do the work if he had sufficient time.

Coundil questioned Mr. McCanless at length on what action he had taken since the last extension was granted, and were told that nothing had been done on the actual demolition.

Councilman Ochsenreiter moved that another 30 day extension be granted, but did not receive a second to his motion.

Mayor Wood declared that due to a lack of a second, the request was denied.

Adjournment.

Richard A. Wood, Jr.
MAYOR

William E. Holcombe
CITY CLERK

RESOLUTION NO. 72-50 - RESOLUTION GRANTING APPROVAL AND ADOPTION OF PAYMENT SCHEDULES IN SUPPORT OF THE RELOCATION PLAN OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM

5. Consideration was given to a resolution granting approval and adoption of payment schedules in support of the Relocation Plan of the Comprehensive City Demonstration Program.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 72-50 was unanimously adopted.

Complete text of Resolution No. 72-50 will be found in Resolution Book No. 6 at page 205.

RESOLUTION NO. 72-51 - RESOLUTION SUPPORTING HUD "1972 SUMMER PROGRAM FOR HIRING DISADVANTAGED YOUTH"

6. Consideration was given to a resolution supporting HUD "1972 Summer Program for Hiring Disadvantaged Youth"

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Vice-Mayor Marshall, Resolution No. 72-51 was unanimously adopted.

Complete text of Resolution No. 72-51 will be found in Resolution Book No. 6 at page 206.

RESOLUTION NO. 72-52 - RESOLUTION AUTHORIZING THE EXECUTION OF A THIRD PARTY CONTRACT BETWEEN THE CITY OF ASHEVILLE AND THE ASHEVILLE TRANSIT AUTHORITY FOR THE OPERATION OF THE "IMPROVED MASS TRANSIT SYSTEM" PROJECT OF THE SECOND ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM.

7. Consideration was given to a resolution authorizing the execution of a third party contract between the City of Asheville and the Asheville Transit Authority for the operation of the "Improved Mass Transit System Project of the Second Action Year Comprehensive City Demonstration Program.

The City Manager read the resolution and summarized the contract agreement and the bus routes proposed.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 72-52 was unanimously adopted.

Complete text of Resolution No. 72-52 will be found in Resolution Book No. 6 at page 207.

RESOLUTION NO. 72-53 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION FOR A WATER LINE ON HERRON COVE ROAD, UPPER HOMINY TOWNSHIP.

8. Consideration was given to a resolution authorizing mayor to execute right of way encroachment agreement with the North Carolina State Highway Commission for a water line on Herron Cove Road, Upper Hominy Township.

NEWS RELEASE

Senator B. Everett Jordan and Congressman Roy A. Taylor have reported to the City of Asheville the announcement by the Appalachian Regional Commission of its approval of $101,550 for construction of water line facilities in the Limestone Township area of South Buncombe County. Buncombe County Commission Chairman Gordon H. Greenwood, who is in Raleigh today, joins me in expressing appreciation to the offices of our senator and congressman for their efforts in confirming this grant during this fiscal year.

Mr. Greenwood told me yesterday that he hoped that the announcement would come soon since the project will benefit many residents and business customers of the Asheville water system.

South Buncombe has been plagued with low water pressure and service interruptions for quite some time, and the extension of the 16" water line from the vicinity of the Gerber Plant southward toward the Henderson County line will produce more reliable water service.

Officials of the Appalachian Regional Commission have stated that by solving the problem of low pressure, utilizing a water reservoir now out of service, and improving the source of water to the reservoir, existing customers will have better service, and accelerated economic growth will occur.

The City Council is very grateful for the efforts of our elected representatives and their administrative staff personnel who have worked earnestly to bring about approval of these funds.

The total estimated cost of the project is $372,700. The Appalachian Grant, 30%, is $101,550. Earlier the Department of Housing and Urban Development had announced the grant of $169,750, or 50%, if the Appalachian money and the local share were assured by May 31, 1972. County Commissioner Greenwood told me that, in addition to the city's already budgeted $30,000, the County of Buncombe has available $71,400 to complete the local share.

The most exciting element in this project is the obvious cooperation of city, county, state, and federal units of government in accomplishing a most important improvement tothe utility system of Buncombe County and the City of Asheville. Cooperation of this type is something that Gordon Greenwood and I feel is the way of the future in Asheville and Buncombe County.

We are delighted to release this news and express again our thanks to Senator Jordon and Congressman Taylor.

Richard A. Wood, Jr.
Mayor

SPRUCE STREET - RE-OPENING

The City Manager read a letter from Mr. Ray Wheeling, Executive Director of the Asheville Housing Authority, which responded to a request by Mr. Robert Anthony, that Spruce Street be reopened.

Mayor Wood accepted the letter as information and instructed the City Clerk to let the minutes reflect that Mr. Anthony's request was answered.

BIDS - ASHEVILLE CIVIC CENTER

Consideration was given to bids received May 2, 1972 for the Heating and Air Conditioning and Electrical Contracts and for bids received May 10, 1972 for the General and Plumbing Contracts for the Asheville Civic Center.

The City Manager read a letter from Jack Baber, Baber and Wood architects, who stated that he had been in contact with the contractors since the bid openings and that he had negotiated with the general contractor for a savings of $64,500.00. He said this was contingent on the approval of a rock change order of $68,587.32 and the waiver of a building permit fee by the City. The total base bid would then be $735,000.00 with the kitchen equipment included or $687,500.00 without the kitchen equipment. He said the contractor had agreed to re-insert the kitchen equipment anytime within 45 days. He recommended that this bid be accepted. He also recommended the approval of the rock change order in the amount of $68,587.32, and the acceptance of the Plumbing, Heating and Air Conditioning, and Electrical bids. (Tabulation of bids appear in the minutes). The City Manager concurred with Mr. Baber's recommendation and advised Council that he had a resolution prepared for their consideration, which would accept the recommendation of the architects and authorize the mayor to execute the contracts.

Mayor Wood left the Council Chamber at 3:55 p. m. and turned the chair over to Vice-Mayor Marshall.

Vice-Mayor Marshall asked the City Manager to read the resolution.

Mayor Wood returned to the Council Chamber at 4:05 p. m.

In the discussion that followed Council questioned Mr. Baber on several aspects of the construction and completion date for the Civic Center.

Councilman Morris moved for the adoption of the Resolution authorizing the Mayor to execute contracts for the completion of the Asheville Civic Center. This motion was seconded by Councilman Hoyle and unanimously adopted.

Complete text of Resolution No. 72-56 will be found in Resolution Book No. 6 at page 211.

Bid recommended by Baber and Wood for the General Contract to Ranger Construction Company.

Base Bid (without kitchen equipment)	$687,500.00
Alt. # 1 (terrazzo floor for concourse)	18,500.00
Alt. # 2 (plaster ceiling for concourse)	29,000.00
Total	$735,000.00

The City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, Resolution No. 72-53 was unanimously adopted.

Complete text of Resolution No. 72-53 will be found in Resolution Book No. 6 at page 208.

RESOLUTION NO. 72-54 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH DAVIS AND HARDING REALTY COMPANY, CONCERNING A 2-INCH WATER LINE ON SECONDARY ROAD NO. 1220 (HERRON COVE ROAD), UPPER HOMINY TOWNSHIP, BUNCOMBE COUNTY.

9. Consideration was given to a resolution authorizing the mayor to enter into agreement with Davis and Harding Realty Company, concerning a 2-inch water line on Secondary Road No. 1220 (Herron Cove Road), Upper Hominy Township, Buncombe County.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Vice-Mayor Marshall, Resolution No. 72-54 was unanimously adopted.

Complete text of Resolution No. 72-54 will be found in Resolution Book No. 6 at page 209.

RESOLUTION NO. 72-55 - RESOLUTION APPOINTING MEMBER OF THE WESTERN NORTH CAROLINA REGIONAL AIR POLLUTION BOARD (Mrs. William E. Highsmith)

10. Consideration was given to a resolution appointing member of the Western North Carolina Regional Air Pollution Board.

The City Manager read the resolution, which appointed Mrs. William E. Highsmith of 62 Macon Avenue a member of the Western North Carolina Regional Air Pollution Board for a term of six years beginning March 20, 1972, or until her successor is duly appointed and qualified.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 72-55 was unanimously adopted.

Complete text of Resolution No. 72-55 will be found in Resolution Book No. 6 at page 210.

ZONING - REQUEST OF PETER FEISTMANN FOR ZONING OF WINDSWEPT SUBDIVISION

11. Consideration was given to a request of Peter Feistmann, president of Dwellings Ltd,. that his property known as Windswept Subdivision, recently annexed to the corporate limits, be zoned as Industrial.

Mayor Wood read the letter of request and instructed the City Clerk to refer the request to the Asheville Planning and Zoning Commission for study and recommendation.

PROCLAMATION - NATIONAL INSURANCE WOMEN'S WEEK - May 21-27, 1972

Mayor Wood proclaimed the week of May 21-27, 1972 as National Insurance Women's Week.

CLINTON LANNING APPEAL FROM POLICEMEN AND FIREMEN'S PENSION BOARD DECISION.

Mr. Jerry Crow, attorney for Clinton Lanning, appeared before Council in behalf of Mr. Lanning on an appeal from a ruling of the Policeman's and Fireman's Pension Board which denied Mr. Lanning pension benefits.

Mr. Crow reviewed Mr. Lanning's case and requested Council to take it under consideration.

Mayor Wood asked Mr. Robinson, Corporation Counsel for an opinion. Mr. Robinson cited the Asheville City Code Article V Section 110 which states the decision of the Policeman's and Fireman's Pension Board is final. He said that Council did not have the power of review but that the Civil Courts might review the case.

Mayor Wood then instructed the City Clerk to furnish each member of Council with a copy of the minutes of the March 3, 1972 Policeman's and Fireman's Pension Board meeting. He advised Mr. Crow, that in the light of Mr. Robinson's opinion, he did not see how Council could consider Mr. Lanning's appeal.

Adjournment.

Richard N. Wood

MAYOR

William D. Bolcott

CITY CLERK

Change order in the amount of $68,587.52 be approved.

Plumbing - Moser Plumbing Company	$38,000.00
Heating/Air Cond.- Moser Plumbing Co.	295,000.00
Electrical- M. B. Haynes Electric Corp.	191,470.00

BILLIARD HALL APPLICATION - TOUR-O-TEL OF ASHEVILLE, INC.

The City Manager advised Council that he had received an application to operate a billiard hall from the Tour-O-Tel of Asheville, Inc., located at 640 Merrimon Avenue. He said the application was in order but the location was not within a billiard hall district and that it would take an admendment to the ordinance to establish a new district at this location. Mayor Wood referred the application to the Corporation Counsel to investigate and if necessary prepare the ordinance.

PACK MEMORIAL LIBRARY - OFFER OF LEASE OF THE LEGAL BUILDING.

Mr. Cecil C. Jackson, Jr., attorney, representing Mr. Ed W. Alfriend, owner of the Legal Building on South Pack Square, read a letter addressed to Council and the Library Board offering to lease the entire Legal Building for $1.00 per square foot. He said this would be an alternative to moving the library to a new location and asked Council to study this proposal.

Mayor Wood instructed the City Clerk to request that the chairman of the Library Board furnish Council with a report after the board has considered the proposal.

MR. WILLIAM McCANLESS - FURTHER REQUEST OF COUNCIL TO DEMOLISH HOUSE AT 166 MONTFORD AVENUE

Mr. William McCanless made a further request of Council for an extension of time to demolish the house at 166 Montford Avenue. He said he had now engaged a contractor who could complete the demolition in 30 days. He further stated that if Council would not grant the 30 days requested he would accept 15 days. He asked that the extension start after May 20th, the original dead line date set forth in the demolition ordinance.

The City Manager informed Council that the building inspector was out of town, but that he had left orders to start demolition on Monday, May 20th.

Mayor Wood called for a motion granting the 30 day extension. On not receiving a motion he declared the request denied.

Councilman Morris observed that if the City forces did not proceed with the demolition on May 20th as planned, Mr. McCanless would have more time. He did not suggest that any extension be given officially, but that Mr. McCanless's operation be kept under close observation and that he be allowed to continue as long as he was doing it in an expeditious manner.

Mayor Wood asked for a motion allowing Mr. McCanless a 15 day extension. This request was also denied for lack of a motion.

The City Manager advised Council that he would instruct the inspection department not to issue the demolition order for May 20th.

The City Manager read the resolution.

Upon motion by Councilman Hoyle, seconded by Councilman Morris, Resolution No. 72-59 was unanimously adopted.

Complete text of Resolution No. 72-59 will be found in Resolution Book No. 6 at page 214.

RESOLUTION NO. 72-60 - A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO A COOPERATION AGREEMENT WITH DEPARTMENT OF PARKS AND RECREATION FOR THE OPERATION OF THE MODEL NEIGHBORHOOD RECREATION PROGRAM OF THE SECOND ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM.

5. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to enter into a cooperation agreement with Department of Parks and Recreation for the operation of the Model Neighborhood Recreation Program of the Second Action Year Comprehensive City Demonstration Program.

The City Manager read the resolution.

Upon motion by Vice-Mayor Marshall, seconded by Councilman Morris, Resolution No. 72-60 was unanimously adopted.

Complete text of Resolution No. 72-60 will be found in Resolution Book No. 6 at page 215.

ORDINANCE NO. 739 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 166 AND 166½ BILTMORE AVENUE, 12 LATTA STREET, 61 LINCOLN STREET, 44 MAX STREET, 33 MOUNTAIN STREET, 16 AND 18 TUSKEEGEE STREET, 43 VELVET STREET AND 51 WALTON STREET.

6. Consideration was given to an ordinance directing the Housing Officer to demolish those houses known as 166 and 166½ Biltmore Avenue, 12 Latta Street, 61 Lincoln Street, 44 Max Street, 33 Mountain Street, 16 and 18 Tuskeegee Street, 43 Velvet Street and 51 Walton Street.

The City Manager read the ordinance and complete copies were distributed to each member of Council present.

Council questioned J. E. Johnson, Chief Building Inspector as to the condition of the houses in question and received his favorable recommendation for the passage of the ordinance.

Upon motion of Councilman Colton, seconded by Vice-Mayor Marshall, Ordinance No. 739, on a voice vote, unanimously passed on its first reading.

CARNIVAL PERMIT ON AMBOY ROAD

7. Consideration was given to the approval of an application from Deggeller Shows for a Municipal Permit to exhibit its attractions in the City of Asheville.

The City Manager read the permit, advised Council that it was in order and recommended its approval.

Vice-Mayor Marshall moved that the permit be approved. This motion was seconded by Councilman Hoyle and carried unanimously.

Thursday - May 25, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., Henry E. Colton, J. W. Hoyle, Corporation Counsel William C. Moore, (substituting for Robert J. Robinson) City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilmen Ruben J. Dailey and Eugene C. Ochsenreiter, Jr.

1. Approval of minutes of May 18, 1972 meeting.

Upon motion by Councilman Morris, seconded by Councilman Hoyle, the minutes of the May 18, 1972 meeting were approved as submitted.

RESOLUTION NO. 72-57 - A RESOLUTION AUTHORIZING THE MAYOR OF ASHEVILLE TO EXECUTE A GRANT AGREEMENT WITH THE UNITED STATES OF AMERICA, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO AID IN FINANCING THE SOUTH BUNCOMBE WATER LINE.

2. Consideration was given to a resolution authorizing the Mayor of Asheville to execute a grant agreement with the United States of America, Department of Housing and Urban Development to aid in financing the South Buncombe Water Line.

The City Manager read the resolution and during this reading Councilman Dailey took his regular seat. Time was 3:05 o'clock p. m.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 72-57 was unanimously adopted.

Complete text of Resolution No. 72-57 will be found in Resolution Book No. 6 at page 212.

RESOLUTION NO. 72-58 - A RESOLUTION AUTHORIZING THE MAYOR OF ASHEVILLE TO EXECUTE A GRANT AWARD AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF ADMINISTRATION, OFFICE OF STATE PERSONNEL, FOR A PERSONNEL SERVICE REVIEW FOR THE CITY OF ASHEVILLE.

3. Consideration was given to a resolution authorizing the Mayor of Asheville to execute a grant award agreement with the North Carolina Department of Administation, Office of State Personnel, for a Personnel Service Review for the City of Asheville.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Vice-Mayor Marshall, Resolution No. 72-58 was unanimously adopted.

Complete text of Resolution No. 72-58 will be found in Resolution Book No. 6 at page 213.

RESOLUTION NO. 72-59 - A RESOLUTION AUTHORIZING THE MAYOR OF ASHEVILLE TO EXECUTE AN AGREEMENT WITH YARGER AND ASSOCIATES, INC. FOR A POSITION CLASSIFICATION AND PAY SURVEY AND AN ANALYSIS AND EVALUATION OF THE PERSONNEL PROGRAM OF THE CITY OF ASHEVILLE.

4. Consideration was given to a resolution authorizing the Mayor of Asheville to execute an agreement with Yarger and Associates, Inc. for a Position Classification and Pay survey and an analysis and evaluation of the Personnel Program of the City of Asheville.

Thursday - June 1, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., Henry E. Colton, Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., J. W. Hovle, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of May 25, 1972 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Morris, the minutes of the May 25, 1972 meeting were approved as submitted.

PUBLIC HEARING - SOUTHEAST AREA ANNEXATION

2. A public hearing was held to consider the annexation of certain property into the Corporate Limits of the City of Asheville.

Mayor Wood opened the public hearing at 3:01 o'clock p. m.

The City Manager read the affidavit of publication which gave notice of the scheduling of the public hearing to be held on this date and at this time.

The City Manager was then requested to give a report on the services that are required by law to be provided to the area proposed for annexation. This report covered the laws applicable under which the proposed annexation is proceeding and the services to be extended in the areas of police, fire, water, sewer, garbage, and brush collection, street maintenance and street lighting. This was the same report adopted by Council at the May 18, 1972 meeting.

Mayor Wood then opened the hearing to comments from the public. Mr. Herbert Hyde, Attorney for Savles Biltmore Bleacheries, was the first speaker. He said that the company was opposed to the annexation since it would not provide better services than they now provide for themselves. However, he stated further that his company would always be good corporate citizens in whatever community it was located in. He favored a referendum on the issue.

Mr. Robert Willson, an attorney for the Oteen property owners, said that his clients opposed the proposed annexation and he appealed to Council for referendum. He asked that Council hold another meeting at a later day and at a more convenient hour so that more people could be heard. He presented Council with several signed petitions requesting a referendum. These petitions are on file in the City Clerk's office.

In the lengthy discussion the following residents of the proposed annexation were heard:

G. N. Koon - 1137 Tunnel Road
Wm. S. Allen - 37 Pleasant Ridge Drive
Robert Barnett 12 Looking Glass Lane
Wm. Cloud 14 Oteen Park Place
Clifford Holmes 25 Looking Glass Lane

ORDINANCE NO. _____ -AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS.

8. Consideration was given to the first reading of an ordinance amending Section 7-27 of the Code of the City of Asheville relating to Pool Rooms and Billiard Halls.

The City Manager read the ordinance and copies were distributed to each member of Council present.

In the discussion, it was brought out that the original application for permission to operate a pool hall specified that only one table would be used. However, once the district was established by this ordinance other applications could be filed to increase the number of tables, which could change the character of the building's usage.

Councilman Morris moved for the adoption of the ordinance, which was seconded by Councilman Dailey. On a voice vote, the count was a 3-3 tie with Councilmen Morris, Dailey and Colton voting for the ordinance and Mayor Wood, Vice-Mayor Marshall and Councilman Hoyle voting against.

Mayor Wood ruled that in the absence of a majority, the ordinance did not carry on the first reading.

CHARLES DENT - HOUSING

9. Mr. Charles Dent of 18 Chateau Place appeared before Council and asked them to give serious consideration to the future location of Housing Projects within the City. He was particularly interested in the one about to be constructed on Kenilworth Road at Aurora Drive. He said he was not against public housing but that this would make the fourth for the Kenilworth area. He felt that the locations should be equalized throughout the City. He cautioned that the continued practice of concentrating them in any one area would drive the residents of that area to the suburbs.

E. R. McCARTHY - ASHEVILLE LIBRARY MOVE.

Mr. E. R. McCarthy addressed Council on the subject of the proposed moving of the Asheville Library to the Pearlman Store site in the Haywood Building. He suggested that the research material be housed in the new Civic Center leaving this space for needed expansion.

ZIVKO MARJANOVIC - COUNCIL MEETINGS

Mr. Zivko Marjanovic, a retired writer who recently moved to Asheville, spoke to Council on various observations that he had made since taking up residency in the City. He spoke of the dull and boring procedures of a routine Council meeting and suggested that Council look toward the motto of accellerating Asheville.

Richard A. Wood
MAYOR

William A. Maready
CITY CLERK

PUBLIC HEARING - READOPTION OF SUBDIVISION REGULATION ORDINANCE, ZONING ORDINANCE, BUILDING INSPECTION ORDINANCE, AND MINIMUM HOUSING STANDARDS ORDINANCE.

4. A public hearing was held to consider the readoption of the subdivision regulation ordinance, zoning ordinance, building inspection ordinance, and minimum housing standards ordinance.

Mayor Wood opened the public hearing at 5:03 o'clock p. m.

The City Manager read the affidavit of publication giving the notification of the public hearing to be held on this date and at this time.

Corporation Counsel Robert J. Robinson explained to Council that the readoption of the three ordinances to be considered was being done to assure the continued effectiveness of all ordinances which may be affected by Article 19 of Chapter 160A of the General Statutes of North Carolina.

Mayor Wood closed the public hearing at 5:05 o'clock p. m.

ORDINANCE NO. 740 - AN ORDINANCE READOPTING THE SUBDIVISION REGULATIONS ORDINANCE OF THE CITY OF ASHEVILLE

Consideration was given to the first reading of Ordinance No. 740, an ordinance readopting the subdivision regulations ordinance of the City of Asheville.

The City Manager read the ordinance.

Councilman Morris was excused by Mayor Wood during the reading of the ordinance.

Councilman Colton moved for the adoption of the ordinance, which was seconded by Councilman Hovle. On a roll call vote Ordinance No. 740 passed unanimously on its first reading.

Councilman Morris returned to the Council meeting but was not present for the voting on Ordinance No. 740.

ORDINANCE NO. 741 - AN ORDINANCE READOPTING THE ZONING ORDINANCE OF THE CITY OF ASHEVILLE.

Consideration was given to an ordinance readopting the Zoning Ordinance of the City of Asheville.

The City Manager read the ordinance.

Upon motion by Councilman Ochsenreiter, seconded by Vice-Mayor Marshall, Ordinance No. 741 was, on a roll call vote, passed unanimously on its first reading.

ORDINANCE NO. 742 - AN ORDINANCE READOPTING THE BUILDING INSPECTION ORDINANCE AND ELECTRICAL CODE OF THE CITY OF ASHEVILLE.

Consideration was given to an ordinance readopting the building inspection ordinance and electrical code of the City of Asheville

John Mayer	-	1200 Oteen Church Road
Peter Winslow	-	25 Wagon Road
Fred Sult	-	10 Homewood Park
Herbert Melton	-	18 Wagon Road
Edna Cloud	-	14 Oteen Park Place
John Jackson	-	40 Wagon Road
Elizabeth Nelson	-	8 Stevens Hill Road
Ray Evans	-	10 Birchwood Lane
John Simpson	-	26 Wagon Road

Each speaker vigorously opposed the annexation on the grounds that the services proposed by the City were not needed and that the property owners would have to pay more in taxes than the benefits they would receive. A majority of them favored a referendum and an equal number appealed for a further hearing at a more convenient hour.

Half way through the discussion, Councilman Ochsenreiter moved that a further hearing be scheduled at a time convenient to all concerned. He asked for a point of personal privilege to poll the other members of Council and when Mayor Wood ruled that it was not within the scope of personal privilege, Councilman Ochsenreiter withdrew his motion.

Councilman Morris in an effort to counter some of the objections suggested that what was being said was, "Why should we pay for all these things when we are now getting them free." He asked them to think about all the benefits they had enjoyed over the years without paying for them, not just the new benefits they would receive.

Councilman Colton interjected that perhaps the City should not have financed an airport, libraries, civic center, or recreation for all to use.

Mayor Wood closed the public hearing at 4:52 o'clock p. m.

Councilman Ochsenreiter then moved that a special meeting to discuss the proposed annexation be held on Monday, June 5, 1972, at 8:00 o'clock p. m. in the auditorium of Bell School or any available meeting place.

This motion was seconded by Councilman Morris, and was carried unanimously.

ORDINANCE NO. 739- AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 166 AND 166½ BILTMORE AVENUE, 12 LATTA STREET, 61 LINCOLN STREET, 44 MAX STREET, 33 MOUNTAIN STREET, 16 AND 18 TUSKEEGEE STREET, 43 VELVET STREET, AND 51 WALTON STREET.

3. Consideration was given to the second reading of Ordinance No. 739, an ordinance directing the Housing Officer to demolish those houses known as 166 and 166½ Biltmore Avenue, 12 Latta Street, 61 Lincoln Street, 44 Max Street, 33 Mountain Street, 16 and 18 Tuskeegee Street, 43 Velvet Street, and 51 Walton Street.

Mayor Wood requested the City Clerk to call the roll on the second reading of the ordinance.

Ordinance No. 739 passed unanimously on its second reading.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., Henry E. Colton, Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of June 1, 1972 meeting.

Upon motion of Councilman Colton, seconded by Councilman Dailey, the minutes were approved as submitted.

APPOINTMENT OF COMMISSIONER TO THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE (Luther T. Thigpen)

2. Mayor Wood announced the re-appointment of Luther Thigpen as a commissioner to the Housing Authority of the City of Asheville for a five year term. He administered the oath of office and thanked Mr. Thigpen for his previous service.

ORDINANCE NO. 743 - AN ORDINANCE EXTENDING THE CITY LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 36, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA

3. Consideration was given to an ordinance to extend the city limits of the City of Asheville, North Carolina under the authority granted by Part 3, Article 36, Chapter 160 of the General Statutes of North Carolina.

Copies of the ordinance was distributed to each member of Council.

The City Manager read a memorandum from the Assistant City Manager that called attention to some minor variances in the plan for extending services into the proposed annexation area. These variances involved the length of the boundaries referred to in the plan and were discovered by using more precise data for making the calculations. The new calculations would correct the aggregate boundary from 71,325 feet to 71,283.56 feet, the length of the boundary coinciding with the present City Limits from 48,875 feet to 48,217.69 feet and the percentage of boundary coinciding with the City Limits to the aggregate boundary would change from 68.5% to 67.64%.

Council took note of these changes and Councilman Morris moved that the plan for extending services to the proposed annexation be amended to incorporate the new figures. Councilman Colton seconded this motion and it carried unanimously.

The City Manager requested permission to be excused to answer a long distance telephone call. In his absence Mayor Wood instructed the Corporation Counsel to read the annexation ordinance. During the reading, the City Manager returned to the Council Chamber.

Councilman Ochsenreiter moved for the adoption of the ordinance. This motion was seconded by Vice-Mayor Marshall.

The City Manager read the ordinance.

Upon motion of Councilman Dailey, seconded by Councilman Hoyle, Ordinance No. 742 was, on a roll call vote, unanimously passed on its first reading.

RESOLUTION NO. 72-61 - A RESOLUTION AUTHORIZING THE MAYOR OF ASHEVILLE TO ENTER INTO A THIRD PARTY CONTRACT WITH THE METROPOLITAN PLANNING BOARD FOR THE PREPARATION OF THE COMMUNITY RENEWAL PROGRAM NO. N. C. R. -137 (CRP), CONTRACT NO. N.C.R.-137 (CR) (G)

5. Consideration was given to a resolution authorizing the Mayor of Asheville to enter into a third party contract with the Metropolitan Planning Board for the preparation of the Community Renewal Program No. N. C. R.-137 (CRP), Contract No. N. C. R.-137 (CR) (G).

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 72-61 was unanimously adopted.

Complete text of Resolution No. 72-61 will be found in Resolution Book No. 6 , page 216 .

RECONSIDERATION OF BILLIARD HALL DISTRICT - 640 MERRIMON AVENUE -(TOUR-O-TEL, INC.)

6. Consideration was given to a request to reconsider creating a billiard hall district at 640 Merrimon Avenue.

The City Manager read a request from Wade Hall, President of Tour-O-Tel, Inc., requesting that Council reconsider creating a billiard hall district at 640 Merrimon Avenue. In his request Mr. Hall stipulated that in forming the district the number of tables be limited to three.

Mr. Hall made a brief statement in regard to the operation of the private club now being run in connection with the Tour-O-Tel. He said he was aware of some of the noise complaints from the neighbors in the area but that every effort was being made to alleviate the sources of these complaints.

Councilman Hoyle pointed out that the original application called for one table which he would favor but objected to the three tables.

Councilman Dailey requested that an ordinance creating the district, be prepared for Council's consideration and that it be so stipulated that only one table would be allowed.

Councilman Colton requested that the City Manager present, at the meeting, reports from the Fire, Police, Building Inspector, and Health Department regarding their recommendations.

Mayor Wood directed the Corporation Counsel to prepare the ordinance creating the district and that the one table limit be stipulated. He asked that it be presented at the next meeting for consideration on the first reading.

Mayor Wood called attention of the citizens in the Model Cities area to the up-coming election of commissioners. He encouraged all citizens to participate by registering and voting.

Richard D. Wood, Jr.
MAYOR

William S. Wolcott, Jr.
CITY CLERK

ORDINANCE NO. 739 -AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 166 AND 166½ BILTMORE AVENUE, 12 LATTA STREET, 61 LINCOLN STREET, 44 MAX STREET, 33 MOUNTAIN STREET, 16 AND 18 TUSKEEGEE STREET, 43 VELVET STREET, AND 51 WALTON STREET.

5. Consideration was given to the third and final reading of Ordinance No. 739, an ordinance directing the Housing Officer to demolish those houses known as 166 and 166½ Biltmore Avenue, 12 Latta Street, 61 Lincoln Street, 44 Max Street, 33 Mountain Street, 16 and 18 Tuskeegee Street, 43 Velvet Street, and 51 Walton Street.

A copy of the ordinance was furnished to each member of Council.

On a roll call vote, Ordinance No. 739 passed unanimously on its third and final reading.

Complete text of Ordinance No. 739 will be found in Ordinance Book No. 5 at page 229.

ORDINANCE NO. 740 - AN ORDINANCE READOPTING THE SUBDIVISION REGULATIONS ORDINANCE OF THE CITY OF ASHEVILLE

6. Consideration was given to the second reading of Ordinance No. 740, an ordinance readopting the subdivision regulations ordinance of the City of Asheville.

On a roll call vote, Ordinance No. 740 passed unanimously on its second reading.

ORDINANCE NO. 741 - AN ORDINANCE READOPTING THE ZONING ORDINANCE OF THE CITY OF ASHEVILLE.

7. Consideration was given to the second reading of Ordinance No. 741, an ordinance readopting the zoning ordinance of the City of Asheville.

On a roll call vote, Ordinance No. 741 passed unanimously on its second reading.

ORDINANCE NO. 742 - AN ORDINANCE READOPTING THE BUILDING INSPECTION ORDINANCE AND ELECTRICAL CODE ORDINANCE OF THE CITY OF ASHEVILLE

8. Consideration was given to the second reading of Ordinance No. 742, an ordinance readopting the building inspection ordinance and electrical code ordinance of the City of Asheville.

On a roll call vote, Ordinance No. 742 passed unanimously on its second reading.

AN ORDINANCE AMENDING SECTION 7-27 OF THE CODE OF THE CITY OF ASHEVILLE RELATING TO POOL ROOMS AND BILLIARD HALLS

9. Consideration was given to an ordinance amending Section 7-27 of the Code of the City of Asheville relating to Pool Rooms and Billiard Halls.

The City Manager read the ordinance which described the district under consideration as that of the Tour-O-Tel at 640 Merrimon Avenue.

Councilman Morris stated that in the interest of giving the residents time to adjust and in order to allow time for any litigation that might be forthcoming, he moved that the ordinance be amended establishing the effective date for annexation as June 18, 1973 and that this date be substituted for June 30, 1972 as it appears in the ordinance, and that city taxes be levied for the fiscal year beginning July 1, 1973. This motion was seconded by Councilman Colton. On a roll call vote the amendment to the ordinance carried 6 - 1 with Councilman Dailey voting "no."

Mr. John Fleming, representing Sayles Biltmore Bleacheries, asked Council to form a sub-committee made up of a group from the proposed annexation area, Councilmen Ochsenreiter and Morris, and another member of Council, to discuss the annexation further. Mayor Wood did not appoint the committee, but he said that Council would be happy to continue discussions at any time.

Mayor Wood asked the City Clerk to call the roll on the first reading, and Ordinance No. 743, as amended, passed unanimously on its first reading.

ANNOUNCEMENT OF THE LEGACY OF PARKS GRANT

The City Manager asked permission to interupt the agenda to announce that Congressman Roy A. Taylor had just advised him by phone that the U. S. Department of Housing and Urban Development had awarded Asheville a $475,637 grant for the development of nine parks and recreation areas. He said he was delighted with this news and praised the work of the staff in this accomplishment. Mayor Wood thanked the administrative staff, particularly Ray Kisiah, Director of Parks, and Ken Michalove, Municipal Coordinator. He also thanked Congressman Taylor for his assistance.

PUBLIC HEARING - ZONING IN THE PROPOSED SOUTHEAST ANNEXATION AREA

4. Before opening the public hearing on the zoning question, Mayor Wood questioned both the Corporation Counsel and the Planning Director as to the advisability of proceeding since the annexation had been deferred for a year. Finding a difference of opinion, Mayor Wood ruled that Council would proceed and opened the public hearing at 3:35 o'clock p. m.

The City Manager read the affidavit of publication, which set the time and place for the hearing.

Mr. Kmecza, Director of Planning, was called on to present the zoning plan.

Mr. G. N. Koon, a resident of the proposed area to be annexed requested a copy of the plan.

Mayor Wood declared the public hearing closed at 3:53 o'clock p. m.

Councilman Morris moved that the introduction of the ordinance be deferred at this time, and that the matter be referred back to the Planning and Zoning Commission.

Councilman Ochsenreiter seconded this motion which carried on a 5 - 1 vote with Councilman Dailey voting "no" and Mayor Wood not voting.

In discussing the letter the City Manager noted that there was a need for banking facilities at the airport and he recommended that the opportunity to lease this space not be limited to any particular bank and that the lease price be negotiated. He asked Council for some direction as how to respond to the letter.

Councilman Colton moved that the City Manager be instructed to advise Mr. Wright of the City's intent to negotiate a space lease with a bank for the establishment of a branch bank in the Asheville Airport. This motion was seconded by Councilman Colton and carried unanimously.

CLAIM FOR DAMAGES BY MARION C. POORE

The City Clerk advised Council that he had received a letter from Marion C. Poore of 1055 Patton Avenue, claiming damages to his car caused by a low catch basin.

Mayor Wood instructed the City Clerk to turn the claim over to the Corporation Counsel for review.

CLAIM OF MRS. ANNE I. SPLAWN

Corporation Counsel Robert J. Robinson reported to Council that he had received a claim from Mrs. Anne I. Splawn of 63 Indiana Avenue, for the alleged destruction of her property at 298 Broadway. Mr. Robinson said he was in the process of reviewing the case and would report back to Council when completed.

Adjournment.

Richard D. Wood, Jr.
MAYOR

William E. Holcomb, Jr.
CITY CLERK

Councilman Morris moved for the adoption of the ordinance which was seconded by Councilman Ochsenreiter.

The City Manager reported that he had received the required reports from the Police, Fire, Building Inspector and Health Departments, and on instruction from Mayor Wood read all four reports.

These reports brought the fact that the required closing hours for pool rooms and brown bag establishments differ and it would complicate the enforcement of the law. It was also disclosed that some alterations would have to be made to satisfy the Fire Prevention and Building Code requirements.

Mrs. Daniel Ward, a resident of the area, complained of the noise now being created at the club and strongly objected to the ordinance.

Jack Eller, Manager of the Tour-O-Tel, said the room containing the proposed pool table could be closed at midnight.

Councilman Morris moved to defer action at this time and received a second from Councilman Dailey. On a voice vote, Mayor Wood ruled that the motion failed.

Mayor Wood then instructed the City Clerk to call the roll on the first reading. The ordinance failed on a 7- 0 vote.

RESOLUTION NO. 72-62 - A RESOLUTION AUTHORIZING (1) TRANSFER OF THE WATER BILLING OPERATIONS FROM HADLEY CORPORATION TO AN INTERNAL SYSTEM IN JULY, 1973 AND (2) AUTHORIZING THE TRANSFER OF FUNDS FROM THE METROPOLITAN PLANNING BOARD'S ACCOUNTS PAYABLE, CITY OF ASHEVILLE, INTO APPROPRIATE ACCOUNTS IN ORDER TO IMPLEMENT THE COMMUNITY RENEWAL PROGRAM/ COMPREHENSIVE DATA PROGRAM.

10. Consideration was given to a resolution authorizing (1) transfer of the water billing operations from Hadley Corporation to an Internal System in July, 1973 and (2) authorizing the transfer of funds from the Metropolitan Planning Board's Accounts Payable, City of Asheville, into appropriate accounts in order to implement the Community Renewal Program/ Comprehensive Data Program.

Upon motion by Councilman Morris, seconded by Councilman Colton, Resolution No. 72-62 was unanimously adopted.

Complete text of Resolution No. 72-62 will be found in Resolution Book No. 6 at page 217.

PROCLAMATION - MONTH OF JUNE AS VISITOR HOSPITALITY MONTH

Mayor Wood proclaimed the month of June as Visitor Hospitality Month.

PROPOSAL FROM NORTHWESTERN BANK - BRANCH BANK AT THE ASHEVILLE AIRPORT.

The City Manager read a letter from Mr. Manley Wright, Executive Vice President of the Northwestern Bank, proposing to lease a 12' x 20' space in the Asheville Airport for a branch office, at a rate of $4.00 per square foot.

ORDINANCE NO. 742 - AN ORDINANCE READOPTING THE BUILDING INSPECTION ORDINANCE AND ELECTRICAL CODE ORDINANCE OF THE CITY OF ASHEVILLE

5. Consideration was given to the third and final reading of Ordinance No. 742, an ordinance readopting the building inspection ordinance and electrical code ordinance of the City of Asheville.

On a roll call vote, Ordinance No. 742 passed unanimously on its third and final reading.

Complete text of Ordinance No. 742 will be found in Ordinance Book No. 5 at page 233.

GENERAL FUND BUDGET FOR FISCAL YEAR 1972-73 PRESENTED BY CITY MANAGER

6. The City Manager submitted the General Fund Budget Estimate for Fiscal Year 1972-73. Attached to the document and made a part there of was the budget letter which the City Manager read in its entirety. In the letter he outlined the highlights of the budget and his recommendations.

In accepting the budget proposals, Mayor Wood noted that this was the first time that Council had seen the document and that a careful study would be made before scheduling the first reading next week.

The City Manager called to Council's attention that incorporated in the budget, as a revenue item, was an increase in fees for the use of the City's sanitary land fill. He advised that he had prepared a resolution outlining the new fee schedule if Council wished to consider it.

Mayor Wood asked him to read the resolution, after which Councilman Bailey moved for its adoption. This motion was seconded by Councilman Morris.

Mr. Bill Horton, a member of the Buncombe County Board of Tax Supervision, asked Council to consider some means of not charging city residents for the use of the land fill.

Councilman Morris moved to amend the resolution to read that pick-up trucks and cars with city stickers not be charged. This was seconded by Councilman Hovle. Councilman Colton requested that the amendment also include that the vehicle be registered within the city as well as displaying the city sticker.

Councilman Morris then moved that action on the resolution be deferred at this time and that it be referred to the Corporation Counsel for re-wording, to insure that the city residents would not be burdened with this extra charge. This motion was seconded by Councilman Hovle and carried unanimously.

UTILITY BUDGET FOR FISCAL YEAR 1972-73 PRESENTED BY CITY MANAGER

7. The City Manager submitted the Utility Budget for the Fiscal Year 1972-73. He read the budget letter attached to the document which outlined his recommendations.

The City Manager called attention to his recommendations for an increase in the water rates for industrial users and the increase in the charges for water and sewer taps. He advised Council that he did not expect them to take any action at this meeting but that he had prepared resolutions for them

Thursday - June 15, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Councilmen Ralph D. Morris, Jr., Henry E. Colton, Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Calvin W. Marshall

1. Approval of minutes of June 8, 1972 meeting.

Upon motion of Councilman Dailey, seconded by Councilman Hoyle, the minutes were approved as submitted.

ORDINANCE NO. 743 - AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 36, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA

2. Consideration was given to the second reading of Ordinance No. 743, an ordinance to extend the City Limits of the City of Asheville, North Carolina under the authority granted by Part 3, Article 36, Chapter 160 of the General Statutes of North Carolina.

On a roll call vote, Ordinance No. 743, passed unanimously on its second reading.

ORDINANCE NO. 740 - AN ORDINANCE READOPTING THE SUBDIVISION REGULATIONS ORDINANCE OF THE CITY OF ASHEVILLE

3. Consideration was given to the third and final reading of Ordinance No. 740, an ordinance readopting the subdivision regulations ordinance of the City of Asheville.

On a roll call vote, Ordinance No. 740 passed unanimously on its third and final reading.

Complete text of Ordinance No. 740 will be found in Ordinance Book No. 5 at page 231.

ORDINANCE NO. 741 - AN ORDINANCE READOPTING THE ZONING ORDINANCE OF THE CITY OF ASHEVILLE

4. Consideration was given to the third and final reading of Ordinance No. 741, an ordinance readopting the zoning ordinance of the City of Asheville.

On a roll call vote, Ordinance No. 741 passed unanimously on its third and final reading.

Complete text of Ordinance No. 741 will be found in Ordinance Book No. 5 at page 232.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, Resolution No. 72-64 was unanimously adopted.

Complete text of Resolution No. 72-64 will be found in Resolution Book No. 6 at page 219.

RESOLUTION NO. 72-65 - RESOLUTION AUTHORIZING EXTENSION OF THE COMPREHENSIVE FAMILY PLANNING PROJECT OF THE FIRST ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM.

11. Consideration was given to a resolution authorizing extension of the Comprehensive Family Planning Project of the First Action Year Comprehensive City Demonstration Program.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 72-65 was unanimously adopted.

Complete text of Resolution No. 72-65 will be found in Resolution Book No. 6 at page 220.

BIDS - WATER SUPPLIES

12. Consideration was given to bids received June 12, 1972 for 65,000 pounds of Sodium Hexametaphosphate.

The City Manager read a memorandum from the Purchasing Agent who reported that two identical bids had been received from Ticar Chemical Company of Asheville and FMC Corporation, New York, New York. Both companies bid $11.65 cwt for a total of $7,572.50. He recommended that the local vendor be awarded the contract. The City Manager concurred in this recommendation.

Councilman Dailey was excused by Mayor Wood at 4:20 p. m.

Councilman Morris moved that the low bid of Ticar Chemical Company of $11.65 cwt or a total of $7,572.50 be accepted and that they be awarded the contract.

Councilman Hoyle seconded this motion and it was carried unanimously.

The following is a tabulation of the bids:

Bid Request #135 - 65,000 pounds of Sodium Hexametaphosphate

Bidder	Price Per cwt	Total
Moreland Chemical Company	$13.25	$ 8,612.50
Ticar Chemical Company	11.65	7,572.50
Calgon Corporation	11.98	7,787.00
Jones Chemical Company	13.75	8,937.50
Howerton-Gowen	11.83	7,689.50
FMC Corporation	11.65	7,572.50

to review. Mayor Wood asked him to read the resolutions. At the conclusion of the reading of the water rates increase resolution Mayor Wood directed the City Manager to furnish Council with a study of the industrial users to be affected. He also asked the Corporation Counsel to furnish Council with copies of the Biltmore Forest and Gerber Products Company agreements. Mayor Wood stated that any action taken would be after due notice had been made through a published agenda.

At the conclusion of the reading of the increased water and sewer tap resolution, Mayor Wood directed the City Manager to send a copy to the Home Builders Association and to advise them that this resolution would not be considered until it had been placed on the published agenda.

Councilman Morris moved "that the Budgets be taken under consideration by City Council, that they lie on the desk of the City Clerk for not less than 20 days and that the City Clerk is directed to advertise that the Budgets are available for public inspection." This motion was seconded by Councilman Ochsenreiter and carried unanimously.

ORDINANCE NO. 744 - INTERIM APPROPRIATION ORDINANCE

8. Consideration was given to an interim appropriation ordinance.

The City Manager read the ordinance and advised Council that since it was impossible to adopt the budget ordinances before July 6, 1972, this interim ordinance should be adopted before June 29, 1972.

Councilman Colton moved for the adoption of the ordinance which was seconded by Councilman Hoyle and unanimously passed on its first reading.

RESOLUTION NO. 72-63 - RESOLUTION APPROVING THE EXECUTION OF THIRD PARTY CONTRACT FOR THE OPERATION OF A SUMMER PROJECT ENTITLED, YMCA SUMMER DAY CAMP SCHOLARSHIP PROGRAM TO BE FUNDED BY FIRST ACTION YEAR FUNDS IN THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM.

9. Consideration was given to a resolution approving the execution of third party contract for the operation of a summer project entitled, YMCA Summer Day Camp Scholarship program to be funded by First Action Year funds in the Comprehensive City Demonstration Program.

The City Manager read the resolution.

Upon motion of Councilman Dailey, seconded by Councilman Morris, Resolution No. 72-63 was unanimously adopted.

Complete text of Resolution No. 72-63 will be found in Resolution Book No. 6 at page 218.

RESOLUTION NO. 72-64 - RESOLUTION APPROVING EXTENSION OF THE DEMOLITION PROJECT OF THE FIRST ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

10. Consideration was given to a resolution approving extension of the Demolition project of the First Action Year Comprehensive City Demonstration Program.

The City Manager read the resolution.

Thursday - June 22, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding: Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., Henry E. Colton, Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of June 15, 1972 meeting.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, the minutes of the June 15, 1972 meeting were approved as submitted.

ORDINANCE NO. 743 - AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 36, CHAPTER 160 OF THE GENERAL STATUTES OF NORTH CAROLINA

2. Consideration was given to the third and final reading of Ordinance No. 743, an ordinance to extend the City Limits of the City of Asheville, North Carolina under the authority granted by Part 3, Article 36, Chapter 160 of the General Statutes of North Carolina.

On a roll call vote, Ordinance No. 743 passed unanimously on its third and final reading.

Complete text of Ordinance No. 743 will be found in Ordinance Book No. 5 at page 234.

ORDINANCE NO. 744 - AN INTERIM APPROPRIATION ORDINANCE

3. Consideration was given to the second reading of Ordinance No. 744, an interim appropriation ordinance.

On a roll call vote, Ordinance No. 744 passed unanimously on its second reading.

ORDINANCE NO. 745 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1972-73 (GENERAL)

4. Consideration was given to an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the fiscal year 1972-73. (General)

The City Manager read the ordinance.

Councilman Morris moved that action on this ordinance be deferred until the meeting of June 29, 1972. This motion was seconded by Councilman Hoyle and carried unanimously.

RESOLUTION NO. 72-66 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION FOR NEW WATER FACILITIES FOR THE CITY OF ASHEVILLE IN LIMESTONE TOWNSHIP, BUNCOMBE COUNTY.

13. Consideration was given to a resolution authorizing Mayor to execute right of way encroachment agreement with the North Carolina State Highway Commission for new water facilities for the City of Asheville in Limestone Township, Buncombe County.

The City Manager read the resolution.

Upon motion by Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 72-66 was unanimously adopted.

Complete text of Resolution No. 72-66 will be found in Resolution Book No. 6 at page 221.

RESOLUTION NO. 72-67 - RESOLUTION APPOINTING LEO H. MANLEY AS COUNCIL'S REPRESENTATIVE ON THE BOARD OF DIRECTORS OF THE OPPORTUNITY CORPORATION OF MADISON-BUNCOMBE COUNTIES

Consideration was given to a resolution appointing Leo H. Manley as Council's representative on the Board of Directors of the Opportunity Corporation of Madison-Buncombe Counties.

Upon motion of Councilman Hoyle, seconded by Councilman Ochsenreiter, Resolution No. 72-67 was unanimously adopted.

Complete text of Resolution No. 72-67 will be found in Resolution Book No. 6 at page 222.

PETITIONS FROM RESIDENTS, EMPLOYEES OF BUSINESSES, AND BUSINESSMEN ON AND ADJOINING PACK SQUARE NOT TO MOVE PACK MEMORIAL LIBRARY.

The City Clerk advised Mayor Wood and members of Council that he had received a petition signed by 53 residents, employees of businesses, and businessmen in the vicinity of Pack Square, requesting Council to refrain from authorizing the removal of Pack Memorial Library from its present location. At the request of Mayor Wood the petition was read in its entirety.

MODEL CITIES ELECTION

Mr. James Gray, Model Cities Staff, announced that the Model Cities Commissioner's election would be held on Saturday, June 17, 1972. He urged that all eligible voters in the Model Cities area participate. Mayor Wood added his words of encouragement.

Adjournment.

Richard A. Wood, Jr.
MAYOR

William D. Maloney
CITY CLERK

Mayor Wood asked for a recommendation from the Planning and Zoning Commission and Alan Lang, a staff member, read a letter addressed to Council which denied the property owners request that the property be zoned Industrial.

The City Manager read a letter from Mr. Pete Feistman, President of Dwellings, Ltd., who requested a public hearing on the matter.

Councilman Colton noted that a public hearing and two readings had already been held which would zone the property RA-5 Residential as recommended by the Planning and Zoning Commission. He suggested that the Council proceed with the third reading finalizing the residential zoning and then follow the procedure of re-zoning if Council so desired. Councilman Colton then moved that a third reading of Ordinance No. 728 be scheduled for two weeks from this date and that the City Clerk be directed to notify Mr. Feistman that such action would be taken at this time. This motion was seconded by Councilman Ochsenreiter.

Councilman Morris suggested that to proceed in accordance with Councilman Colton's motion would be time consuming and that it was his opinion that action should be taken at the present meeting to schedule the public hearing on the petitioners request.

After some discussion, Councilman Colton, with the consent of Councilman Ochsenreiter, withdrew his motion.

Councilman Morris moved that the City Clerk be directed to advertise the public hearing on Mr. Feistman's request for the industrial zoning of his property. That the date for the public hearing be set for July 20, 1972 and the advertising be at the petitioner's expense.

This motion was seconded by Councilman Colton and carried unanimously.

The City Clerk was directed to have available for the July 20th meeting the ordinance for both the residential and industrial zoning.

RESOLUTION NO. 72-70 - RESOLUTION ESTABLISHING A SCHEDULE OF FEES FOR THE USE OF THE CITY OF ASHEVILLE'S SANITARY LANDFILLS.

9. Consideration was given to a resolution establishing a schedule of fees for the use of the City of Asheville's sanitary landfills.

The City Manager read the resolution.

Upon motion of Councilman Dailey, seconded by Councilman Hovle, Resolution No. 72-70 was unanimously adopted.

Complete text of Resolution No. 72-70 will be found in Resolution Book No. 6 at page 225.

MAYOR WOOD ANNOUNCED TIME FOR PRESENTATIONS RELATIVE TO THE BUDGET APPROPRIATIONS

Mayor Wood announced that a portion of June 29th meeting would be set aside for organizations or individuals to make orderly presentations relative to the budget appropriations.

ORDINANCE NO. 746 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1972-73. (UTILITIES)

5. Consideration was given to an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the fiscal year 1972-73. (Utilities)

The City Manager read the ordinance.

Councilman Morris moved that action on this ordinance be deferred until the meeting of June 29, 1972. Councilman Ochsenreiter seconded this motion and it was carried unanimously.

RESOLUTION NO. 72-68 - RESOLUTION APPROVING EXPENDITURE OF SUPPLEMENTAL FUNDS FOR THE EMPLOYMENT OF TWO YOUTH COORDINATORS UNDER THE MODEL NEIGHBORHOOD RECREATION PROJECT OF THE SECOND ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

6. Consideration was given to a resolution approving expenditure of supplemental funds for the employment of two youth coordinators under the Model Neighborhood Recreation Project of the Second Action Year Comprehensive City Demonstration Program.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Dailey, Resolution No. 72-68 was unanimously adopted.

Complete text of Resolution No. 72-68 will be found in Resolution Book 6 at page 223.

RESOLUTION NO. 72-69 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE AN EXTENSION OF THE THIRD PARTY CONTRACT WITH THE METROPOLITAN PLANNING BOARD FOR THE OPERATION OF THE COMMUNITY RENEWAL PROGRAM AND THE COMPREHENSIVE DATA PROGRAM

7. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute an extension of the third party contract with the Metropolitan Planning Board for the operation of the Community Renewal Program and the Comprehensive Data Program.

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Vice-Mayor Marshall, Resolution No. 72-69 was unanimously adopted. Complete text of Resolution No. 72-69 will be found in Resolution Book No. 6 at page 224.

ZONING- WINDSWEPT SUBDIVISION SECTIONS 2 AND 3

8. Consideration was given to the zoning of the Windswept Subdivision, Sections 2 and 3.

Thursday, June 29, 1972-3 o'clock p.m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., Henry E. Colton, Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Phin. Horton, III, Assistant City Manager/City Clerk William E. Wolcott, Jr.

Absent: Councilman J. W. Hoyle

1. Approval of Minutes of June 22, 1972 meeting.

Upon motion of Councilman Colton, seconded by Vice-Mayor Marshall, the minutes of the June 22, 1972 meeting were approved as submitted.

ORDINANCE NO. 744 - AN INTERIM APPROPRIATION ORDINANCE

2. Consideration was given to the third and final reading of Ordinance No. 744, an interim appropriation ordinance.

The City Manager reminded Council that they were furnished with a copy of the ordinance before the first reading.

On a roll call vote Ordinance No. 744 passed unanimously on its third and final reading.

Complete text of Ordinance No. 744 will be found in Ordinance Book 5, Page 236.

BUDGET DISCUSSION BY INTERESTED CITIZENS

3. Mayor Wood announced that he was opening the meeting to anyone who wished to discuss any portion of the 1972-73 City Budget now being considered by Council.

Mr. Hershell Ponder, President of the Asheville Community Theatre, reviewed the progress made by ACT to the point of completion of their new playhouse in the Civic Redevelopment area. He told Council that the new threatre was about completed and even though they had been successful with the financial arrangements, it appeared that they would end up with about a $100,000 mortgage. He appealed to Council to assist them with some yearly funding to help them retire this mortgage.

Mr. Charles David, Treasurer for ACT, supported Mr. Ponder's request with facts and figures on the financial standing of the organization.

Several persons spoke in behalf of Council retaining the $15,000 budget support for the W. N. C. Regional Air Pollution Control Agency.

Mr. Lawrence Traber, Dr. Roy Roberts, Mr. Jack Woodcock, Mr. Ernest Harmil, members of the Air Pollution Control Board and Mr. Ronald Boone, Director of the Agency, all emphasized the importance of the program to the community and urged Council to continue with its support at least for another year. In the meantime they would consider soliciting other agencies for support.

MAYOR WOOD ANNOUNCED THE REGION 3 JUNIOR OLYMPIC SWIMMING CHAMPIONSHIP WOULD BE HELD IN ASHEVILLE

Mayor Wood announced that through the efforts of the Chamber of Commerce and the Parks and Recreation Department, the Region 3 Junior Olympic Swimming Championship would be held in Asheville July 21-22. He said in order to do this it would be necessary to close the Recreation Park pool to the public for these two days.

GIRL SCOUTS INITIATING CLEAN UP DRIVE ALONG BANKS OF FRENCH BROAD RIVER.

Mayor Wood recognized a group of Girl Scouts who explained that they were initiating a clean up drive along the banks of the French Broad River for June 24. The Mayor thanked them for their efforts and offered any assistance that they might need.

PETITION - PRESENTED BY RESIDENTS OF LAKEVIEW PARK REGARDING PARKING BY GOLFERS ON WEMBLY ROAD.

The City Clerk read a petition presented by residents of Lakeview Park in the vicinity of Wembly Road and Windsor Road, requesting the elimination of parking by golfers on Wembly Road. They claimed that it was creating a traffic hazard in this area.

The City Manager reported that no parking signs had already been erected in this area and that after a short warning period they would be strictly enforced.

FANNIE McCOY

Miss Fannie McCoy informed Council that she opposed a tax increase in the 1972-73 Fiscal Year.

MRS. ANNE L. SPLAWN CLAIM

Mrs. Anne Splawn requested that action be taken on her claim against the City for demolishing a house on her property at 298 Broadway.

Corporation Counsel Robert J. Robinson advised Council that he had investigated the claim and recommended that it be denied as filed.

Mayor Wood acknowledged the claim in the amount of $16,718.22. He directed the City Clerk to write Mr. Narvel Crawford, Mrs. Splawn's attorney, to advise him that the claim had been acknowledged and the recommendation of Mr. Robinson denying the claim be filed. He directed the Corporation Counsel to contact Mr. Crawford to determine if some satisfactory negotiation could be worked out. He further directed Mr. Robinson to bring the matter back to the meeting of July 6, 1972 advising Council at this time as to the progress that had been made.

Richard A. Wood
MAYOR

William E. Mallett, Jr.
CITY CLERK

RESOLUTION NO. 72-71 - A RESOLUTION ESTABLISHING A STUDY COMMITTEE ON COMMUNITY DEVELOPMENT AND REVENUE SHARING

7. Consideration was given to a resolution establishing a study committee on community development and revenue sharing.

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Morris, Resolution No. 72-71 was unanimously adopted.

Complete text of Resolution No. 72-71 will be found in Resolution Book 6, Page 226.

RESOLUTION NO. 72-72 - A RESOLUTION AUTHORIZING THE MAYOR OF ASHEVILLE TO EXECUTE A CONTRACT WITH TAYLOR AND MURPHY CONSTRUCTION COMPANY, INC. OF ASHEVILLE, NORTH CAROLINA FOR INSTALLATION OF THE SOUTH BUNCOMBE WATER LINE.

8. Consideration was given to bids received on June 27, 1972 for the installation of the South Buncombe Water Line and to a resolution authorizing the Mayor of Asheville to execute a contract with Taylor and Murphy Construction Company, Inc. of Asheville, North Carolina, for the installation of the line.

The City Manager read a letter from J. M. McDowell and Associates, the consulting engineers, which recommended the low bid and its alternates submitted by Taylor and Murphy Construction Company, Inc. in the amount of $352,325.15 with its alternates of $4,375.00, be accepted.

The City Manager also read the following bids received:

Bidder	Base Bid
Perry Alexander Construction Company	$ 395,907.70
Pierce Ditching Company	$ 460,642.94
Robson Construction Company	$ 394,821.50
Taylor & Murphy Construction Company, Inc.	$ 352,325.15

Councilman Morris moved that the low bid of $352,325.15 and its alternates of $4,375.00 submitted by Taylor and Murphy Construction Company be accepted and that the resolution authorizing the Mayor of Asheville to execute a contract with Taylor and Murphy Construction Company for the installation of this line be accepted.

This motion was seconded by Councilman Colton and unanimously adopted.

Complete text of Resolution No. 72-71 will be found in Resolution Book 6, Page 227.

RESOLUTION NO. 72-73 - A RESOLUTION AUTHORIZING AMENDMENT TO COOPERATION AGREEMENT FOR THE POLICE AIDES PROJECT OF THE SECOND YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM.

9. Consideration was given to Resolution No. 72-73 authorizing an

They said to lose the City's support this year would mean that they would also lose the federal aid.

Mr. Thomas Gibbs, of the Environmental Protection Agency's Region 4 office in Atlanta, praised the work of the local agency but said that his agency could not allocate funds to an agency when the local funds were less in one fiscal year than they were the year before.

Mrs. John Stevens, representing the Junior League of Asheville, Mrs. Lillian Kaghan, representing the League of Women's Voters, and Mr. Rusty Harmon, President of the Asheville Junior Chamber of Commerce, all presented resolutions passed by their respective organizations which urged Council to include in its 1972-73 budget $15,000 to support the Air Pollution Control Agency.

Mr. E. R. McCarthy did not openly object to the Air Pollution Control Agency budget item, but he did differ in some ways with their procedures and was strongly opposed to their methods of assigning open burning days.

Mr. Lonnie Gilliam, representing the golfers at Municipal Golf Course, asked Council to include in the budget funds to aerate and fertilize the fairways , to purchase sand for the sand traps and proper maintainance equipment. He also asked that proper funds be allotted to purchase uniforms for the rangers patrolling the course.

ORDINANCE NO. 745 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1972-73 (GENERAL)

5. Consideration was given to an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the fiscal year 1972-73 (General).

Councilman Morris moved that action be deferred on the first reading of the General Budget until the July 13, 1972 meeting. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

City Clerk was instructed to schedule the first reading of Ordinance No. 745 for July 13, 1972.

ORDINANCE NO. 746 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1972-73 (UTILITIES)

6. Consideration was given to an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the fiscal year 1972-73 (Utilities).

Councilman Morris moved that action on the Utilities Budget be deferred until the July 13, 1972 meeting. This motion was seconded by Councilman Colton and carried unanimously.

The City Clerk was instructed to schedule the first reading of Ordinance No. 746 for July 13, 1972.

Thursday, July 6, 1972
3:00 o'clock p.m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., Henry E. Colton, Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., J. W. Hoyle, Corporation Counsel Robert J. Robinson, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: City Manager Phin. Horton, III

1. Approval of minutes of June 29, 1972 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle the minutes of the June 29, 1972 meeting were approved as submitted.

ANN SPLAWN CLAIM - REPORT OF CORPORATION COUNSEL

2. Mayor Wood asked Corporation Counsel Robert J. Robinson for a report on the claim of Mrs. Anne Splawn for demolishing a house on her property at 298 Broadway.

Mr. Robinson stated that he had been in contact with Mr. Crawford and Mr. Bennett, attorneys for Mrs. Splawn, but that an agreement had not been reached. He repeated that he still denied the claim as filed, but that he was still open to negotiation. Mrs. Splawn said she would leave the matter in the hands of her attorneys.

RESOLUTION NO.72-74- A RESOLUTION ON THE RETIREMENT OF RALPH A. VOGENBERGER AS DIRECTOR OF THE LAND MANAGEMENT DEPARTMENT.

3. Consideration was given to a resolution on the retirement of Ralph A. Vogenberger as Director of the Land Management Department.

Mayor Wood read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter the resolution was unanimously adopted.

Contents of this resolution can be found in Resolution Book No. 6, Page 229.

PETITION FOR STREET IMPROVEMENTS - CENTER STREET AND BROOKSHIRE STREET

4. Mrs. Marjorie P. Red presented a petition to Council requesting that portions of Center Street and Brookshire Street, in the Biltmore area, be resurfaced. Mayor Wood thanked Mrs. Red and assured her that with the increased Powell Bill Funds every effort would be made to up-grade many

amendment to the Cooperation Agreement for the Police Aides Project of the Second Action year Comprehensive City Demonstration Program.

The City Manager read the resolution and noted that the age limit of trainees was being raised from 18-20 to 18-22. He also advised Council that the Model Cities Commission had unanimously recommended this change.

Upon motion of Councilman Dailey, seconded by Vice-Mayor Marshall, Resolution No. 72-73 was unanimously adopted.

Complete text of Resolution No. 72-73 will be found in Resolution Book 6, Page 228.

CLAXTON SCHOOL PLAYGROUND PROGRAM

10. Mayor Wood read a letter from Rev. John M. Hawn, Pastor of the St. Mark's Luthern Church, thanking Council for their response to this request that a summer playground program be established at Claxton School.

ASHEVILLE MERCHANTS ASSOCIATION REQUEST

11. Mayor Wood read a letter from the Asheville Merchants Association requesting that they be allowed to give free parking during two of their annual sales, by masking the parking meters on July 5 and the day after Labor Day each year.

Councilman Colron moved that the request be granted. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

The City Clerk was instructed to advise the Merchants Association of this action.

Mr. Ray Kisiah, Director of Parks and Recreation, introduced four Clemson College students who are interning in the Parks system for ten weeks this summer.

Adjournment.

Richard A Wood
MAYOR

William D. Wolcott, Jr.
CITY CLERK

Thursday, July 13, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., Henry E. Colton, Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of the July 6, 1972 meeting.

Upon motion of Councilman Dailey, seconded by Councilman Hoyle, the minutes of the July 6, 1972 meeting were approved as submitted.

ORDINANCE NO. 745 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1972-73 (GENERAL FUND, DEBT SERVICE FUND, POWELL BILL FUND, AND MOTOR TRANSPORT FUND)

2. Consideration was given to Ordinance No. 745, an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the fiscal year 1972-73 (General Fund, Debt Service Fund, Powell Bill Fund, and Motor Transport Fund).

The City Manager read the text of the ordinance.

Mayor Wood requested Councilman Morris to read through the line item changes that were made in the original budget document recommended by the City Manager and which would be incorporated into the budget figures recited in the ordinance. These changes are referred to and made a part of these minutes as if fully set out herein. After Councilman Morris concluded, Mayor Wood and members of the Council made brief statements on the significance of the major additions and deletions.

In Land Management, Mayor Wood stated that the City would only operate Lake Julian as a recreation area through December 31, 1972. After this time, the city would maintain only a security force for the rest of the fiscal year.

Councilman Morris commented on the Western North Carolina Air Pollution Control appropriation, and stated that he felt this was again an example of double taxation and that it was Council's decision to fund this agency only through this fiscal year.

Mayor Wood explained that Council had accepted the City Manager's library recommendations, which did not make possible a move to a new location this year. The $30,000 previously provided in the last fiscal budget was left in the new budget for renovations and repairs to the present building, or any other purpose. However, none of these funds could be expended without prior approval of City Council.

Mayor Wood noted that approximately $40,000 was deleted from the Capital Outlay funds.

streets in the coming year.

BUDGET REQUEST FOR THE LIBRARY

5. Mr. Anthony Lord, Chairman of the Library Board, and Mr. Kenneth Brown, Library Director, appeared before Council to express their continued interest in the budget requests for moving the library from its present location to the proposed Haywood Street site. Mr. Lord stated that a previous appeal had been made to each councilman by letter and the purpose for their being at the meeting was to answer any further questions.

Councilman Morris discussed with Mr. Brown the economics of moving on a temporary basis versus the planning for a new building on a permanent location. Both Mr. Brown and Mr. Lord were doubtful if a satisfactory location could be picked at this time due to the unstable condition in the downtown area. However, they did feel that the Haywood Street site would be the best prospect.

E. M. McCARTHY - LIBRARY

Mr. E. M. McCarthy spoke in opposition to the proposed moving of the library to the Pearlman Building on Haywood Street. He described the building as not being suitable for a library.

Mrs. Ray Forrester and Mrs. M. S. Brott, who were also representing the petitioners for the resurfacing of Center and Brookshire Streets, discussed with Council the possibility of a tax increase for the next fiscal year. They appealed to Council to turn down the 12 cent increase recommended by the City Manager. They were assured by Council that the final decision on the tax rate had not been made. When confronted with statement that Council had promised not to raise taxes if the Civic Center Bonds were approved, Mayor Wood took the opportunity to clear up this point. He said to his knowledge no one who worked on the Civic Center bond issue campaign ever promised that taxes would not be raised at sometime in the future, except to say that the issuance of the bonds would not require a tax increase to pay off the indebtedness.

He also stated that it was said, that if the bonds were not approved, the City would still have to complete the building and this might possibly take a tax increase of 12¢ to 15¢ for a four or five year period.

Adjournment.

Richard D. Wood
MAYOR

William F. Moncott
CITY CLERK

Mayor Wood said their request would be taken under consideration.

Resolution No. 72-75, effective August 1, 1972, was unanimously adopted.

Complete text of Resolution No. 72-75 will be found in Resolution Book No. 6 at page 230.

RESOLUTION NO. 72-76 - A RESOLUTION REVISING THE WATER AND SEWER CONNECTION CHARGES FOR THE CITY OF ASHEVILLE.

5. Consideration was given to a resolution revising the water and sewer connection charges for the City of Asheville.

The City Manager read the resolution and advised Council that the increased revenue to be derived from the proposed changes was incorporated in the 1972-73 budget.

Mr. W. S. Ruckman, Jr. President of the Home Builders Association, said he appreciated the City Manager's advance warning of this change so that his association had had a chance to study it. He said that with some reluctance the Home Builders had agreed to go along with the new charges. He asked if any adjustment would be possible. Mayor Wood advised that with the implementation of the new Metropolitan Water Board he was sure all major policies would be considered.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Colton, Resolution No. 72-76 was unanimously adopted.

Complete text of Resolution No. 72-76 will be found in Resolution Book No. 6 at page 231.

RESOLUTION NO. 72-77 - A RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF ORDINANCES RELATING TO SUPPLEMENTS AND AMENDMENTS FOR THE NORTH CAROLINA STATE BUILDING CODE VOLUME I GENERAL CONSTRUCTION, 1968 EDITION, VOLUME I-A FIRE RESISTANCE RATINGS, VOLUME II PLUMBING, VOLUME III HEATING, VOLUME IV ELECTRICAL AND THE NORTH CAROLINA UNIFORM RESIDENTIAL BUILDING CODE, 1968 EDITION.

6. Consideration was given to a resolution calling for a public hearing for the adoption of ordinances relating to supplements and amendments for the North Carolina State Building Code Volume I General Construction, 1968 Edition, Volume I-A Fire Resistance Ratings, Volume II Plumbing, Volume III Heating, Volume IV Electrical and the North Carolina Uniform Residential Building Code, 1968 Edition.

The City Manager read the resolution and explained that the adoption of this resolution would be the first step toward meeting the necessary requirements of HUD for the recertification of the Asheville Workable Program.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 72-77 was unanimously adopted.

Complete text of Resolution No. 72-77 will be found in Resolution Book No. 6 at page 232.

In discussing the 4¢ per hundred dollar assessed value reduction for Debt Service levy, Mayor Wood noted that the U. S. Department of Transportation funds amounting to approximately $219,000 were received in the spring of 1972 to be applied to retiring the Municipal Vehicle Debt. Council applied 117,760 of that amount to the 1972-73 Debt Service Budget. The balance will be used in the coming fiscal year in an effort to minimize the peak years of Debt Service before the Refunding Debt is paid off in 1974-75.

Responding to an inquiry about salary reduction, Mayor Wood explained that the salaries listed in the changes were geared to the Classification and Pay Plan now under consideration by the City Council.

Mayor Wood asked for comments from the audience at which time Mr. E.R. McCarthy complimented the Council on their efforts to hold the line on the budget.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, Ordinance No. 745, on a roll call vote, unanimously passed on its first reading.

ORDINANCE NO. 746 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1972-73 (UTILITY FUND).

3. Consideration was given to an ordinance adopting and appropriating the operating budget of the City of Asheville for fiscal year 1972-73 (Utility Fund).

The City Manager read the ordinance.

Councilman Morris was again requested by Mayor Wood to read the line item changes which would be incorporated into the budget figures recited in the ordinance. These changes are referred to and made a part of these minutes as if fully set out herein.

After Councilman Morris concluded, Mayor Wood noted that most of the changes involved only minor adjustments in salaries and deletions of some items of equipment in order to fund several which needed capital improvement projects.

Upon motion of Councilman Dailey, seconded by Councilman Hoyle, Ordinance No. 746, on a roll call vote, passed unanimously on its first reading.

RESOLUTION NO. 72-75 - RESOLUTION ESTABLISHING WATER RATES FOR ALL INDUSTRIAL CONSUMERS OF THE CITY OF ASHEVILLE WATER DEPARTMENT WITH THE EXCEPTION OF GERBER PRODUCTS COMPANY.

4. Consideration was given to a resolution establishing water rates for all industrial consumers of the City of Asheville Water Department with the exception of Gerber Products Company.

The City Manager read the resolution and explained to Council that the increase in revenue derived from the proposed new rates was incorporated in the Utilities Budget for 1972-73 fiscal year.

Vice Mayor Marshall moved for the adoption of the resolution which was seconded by Councilman Ochsenreiter.

The City Manager, with the permission of Mayor Wood, read a letter from Ball Corporation requesting that they be given the same consideration regarding water rates, as granted to Gerber Products Company, in Resolution No. 70-110 dated October 22, 1970.

RESOLUTION NO. 72-79 - RESOLUTION AUTHORIZING PUBLISHING NOTICE OF LEASES

10. Consideration was given to a resolution authorizing publishing notice of leases.

The City Manager read the resolution and advised Council that negotiations had been completed in connection with certain leases at the Asheville Airport. These included the gift shop, car rental, baggage room, ticket counter space, and office space. He said that Section 7 of the Charter Appendix- Related Laws of the City of Asheville required that the leases be published and that this resolution would direct the City Clerk to publish the notice and would authorize the Mayor to execute the leases.

Councilman Morris moved for the adoption of the resolution which was seconded by Councilman Ochsenreiter and it was carried unanimously.

Complete text of Resolution No. 72-79 will be found in Resolution Book No. 6 at page 234.

PIEDMONT AIRLINES - PROPOSED LEASE AGREEMENT FOR HOLDERS LOBBY

The City Manager informed Council that Mr. W. A. Blackman of Piedmont Airlines had submitted, through him, a lease agreement with the City to construct a holding lobby at the Asheville Airport. He said Piedmont proposed to construct this new lobby on the present ramp beyond the covered walkway. The construction was to be entirely at Piedmonts expense and would become the property of the City at the termination of a 9 year lease. He said that there were some minor revisions he would like to see made in the lease in regard to the exact location of the building and control by the Director of Aviation as to safety and cleanliness. He recommended that Council refer the lease to the Corporation Counsel for review.

Mayor Wood directed the Corporation Counsel to make the necessary revisions, submit it to Piedmont Airlines for their approval and then re-submit it to Council for consideration.

Adjournment.

Richard D. Wood, Jr.
MAYOR

William E. Walcott, Jr.
CITY CLERK

RESOLUTION NO. 72-78 - A RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES AND APARTMENT BUILDING LISTED BELOW.

7. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish those dwelling houses and apartment building listed below.

The City Manager read the resolution, which designated the following houses and apartment building to be demolished: 60 South Ann Street, 62 South Ann Street, 85 Circle Street, 74 Eagle Street, 45 Elizabeth Street, 247 Flint Street, 21 Jason Street, 1 Max Street, 52 Short Morrow Street, 54 Short Morrow Street, 56 Short Morrow Street, 19 Ocala Street, 75 Park Avenue, 9 Park Place, 181 Pine Street and 33 Weaver Street and that apartment building known as 86-88 Eagle Street.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, Resolution No. 72-78 was unanimously adopted.

Complete text of Resolution No. 72-78 will be found in Resolution Book No. 6 at page 233.

PERMIT FOR SIGN - CLYDE SAVINGS AND LOAN ASSOCIATION

8. Consideration was given to a permit for the erection of a temporary sign within 200 feet of the Crosstown Expressway, requested by Clyde Savings and Loan Association.

The City Manager read a memorandum from the Building Inspector giving the size and location of the proposed signs.

Councilman Colton noted that since these signs were to be only temporary during the construction stages for the new Clyde Savings and Loan Association building, he did not see the necessity for following the usual procedure of referring the matter to the Planning and Zoning Commission, and felt Council could take appropriate action at this meeting.

Councilman Ochsenreiter moved that the sign permit be granted as requested. This motion was seconded by Councilman Colton and was unanimously adopted.

GREEN FEES ADJUSTMENT - FOURTEENTH ANNUAL SKYVIEW GOLF ASSOCIATION TOURNAMENT

Consideration was given to a request of the Parks and Recreation Advisory Board that the green fees at the Municipal Golf Course be reduced from $2.50 per person to $1.25 per person for participants in the Fourteenth Annual Skyview Golf Association Tournament.

Lonnie Gilliam, a member of the Advisory Board, presented the request to Council.

Councilman Dailey moved that the request be accepted and that the City Manager be authorized to carry out the request. This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote, Ordinance No. 728 passed unanimously on its third and final reading.

Complete text of Ordinance No. 728 will be found in Ordinance Book No. 5 at page 237.

ORDINANCE NO. 745 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1972-73 (GENERAL FUND, DEBT SERVICE FUND, POWELL BILL FUND, AND MOTOR TRANSPORT FUND)

4. Consideration was given to the second reading of Ordinance No. 745, an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the fiscal year 1972-73 (General Fund, Debt Service Fund, Powell Bill Fund, and Motor Transport Fund.)

Copies of the ordinance were distributed to each member of Council.

Mrs. Soya Fredrick, representing the League of Women Voters, told Council that her studies had revealed that the present library quarters were inadequate. She suggested that reserve funds be included in the present budget to assist in the library move, and that a citizens committee be formed to work out some solution to the inadequate location.

Councilman Morris noted that he did not think it was economically feasible to relocate the library on a temporary basis, and he advocated a new central facility financed with a countywide bond issue.

Mayor Wood endorsed Mrs. Fredrick's suggestion for a study to determine the best location for the library. He also suggested that the pattern of use, by both the city and county residents, be investigated. He said this would determine who should assume the greater portion of the cost.

On a roll call vote, Ordinance No. 745 passed unanimously on its second reading.

ORDINANCE NO. 746 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1972-73 (UTILITY FUND).

5. Consideration was given to the second reading of Ordinance No. 746, an ordinance adopting and appropriating the operating budget of the City of Asheville for fiscal year 1972-73 (Utility Fund).

Copies of the ordinance were distributed to each member of Council.

On a roll call vote, Ordinance No. 746 passed unanimously on its second reading.

RESOLUTION NO. 72-80 - A RESOLUTION APPROVING THE EXECUTION OF A THIRD PARTY CONTRACT BETWEEN THE CITY OF ASHEVILLE AND IRENE WORTHAM DAY CARE CENTER, INC. FOR OPERATION OF PROJECT ENTITLED, "OPERATION UPWARD TRAINING" OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM

6. Consideration was given to a resolution approving the execution of a third party contract between the City of Asheville and Irene Wortham Day

Thursday, July 20, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., J. W. Hoyle, Mr. William C. Moore, substituted as Corporation Counsel for Robert J. Robinson who was out of the city; City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Corporation Counsel Robert J. Robinson

RESOLUTION NO. 72-81 - A RESOLUTION HONORING THE MEMORY OF DR. ROBERT P. CROUCH

1. Mayor Wood asked Council and those present in the audience to stand while he presented a resolution in memory of former Councilman Robert P. Crouch who passed away on July 18, 1972.

Councilman Dailey moved for the adoption of the resolution, which was seconded by Councilman Colton and carried unanimously.

Complete text of Resolution No. 72-81 will be found in Resolution Book No. 6 at page 236.

APPROVAL OF MINUTES

2. Approval of minutes of the July 13, 1972 meeting.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall, the minutes of the July 13, 1972 meeting were approved as submitted.

PUBLIC HEARING - WINDSWEPT SUBDIVISION

3. A public hearing was held to consider the zoning of the newly annexed property of Imperial Land Corporation (Windswept Subdivision- Sections 2 and 3).

Mayor Wood opened the public hearing at 3:01 p. m. and requested the City Manager to read the affidavit of publication which scheduled the meeting.

The City Manager read a letter from Peter Feistmann, owner of the subdivision, in which he requested that Council disregard his request to zone the property Industrial District and to proceed with the original request for RA-5 Residential District. In line with this request two readings had already been held on the RA-5 Residential Ordinance and it could become effective with a third and final reading.

Mayor Wood closed the public hearing at 3:07 o'clock p. m.

Due to the time interval since the first and second readings of the ordinance zoning the property RA-5 Residential, the City Manager was requested to re-read the ordinance.

Thursday - July 27, 1972 - 3:00 o'clock

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of the July 20, 1972 meeting.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, the minutes of the July 20, 1972 meeting were approved as submitted.

ORDINANCE NO. 745 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1972-73 (GENERAL FUND, DEBT SERVICE FUND, POWELL BILL FUND, AND MOTOR TRANSPORT FUND)

2. Consideration was given to the third and final reading of Ordinance No. 745, an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the fiscal year 1972-73 (General Fund, Debt Service Fund, Powell Bill Fund, and Motor Transport Fund).

On a roll call vote, Ordinance No. 745 passed unanimously on its third and final reading.

Complete text of Ordinance No. 745 will be found in Ordinance Book No. 5 at page 238.

ORDINANCE NO. 746 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1972-73 (UTILITY FUND).

3. Consideration was given to the third and final reading of Ordinance No. 746, an ordinance adopting and appropriating the operating budget of the City of Asheville for fiscal year 1972-73 (Utility Fund).

On a roll call vote, Ordinance No. 746 passed unanimously on its third and final reading.

Complete text of Ordinance No. 746 will be found in Ordinance Book No. 5 at page 240.

RESOLUTION NO. 72-82 - A RESOLUTION APPOINTING MEMBERS TO THE ADULT ADVISORY BOARD OF THE ASHEVILLE BUNCOMBE COUNTY YOUTH COUNCIL

4. Consideration was given to a resolution appointing members to the Adult Advisory Board of the Asheville Buncombe County Youth Council.

Care Center, Inc. for operation of project entitled, "Operation Upward Training" of the Comprehensive City Demonstration Program.

The City Manager read the resolution and explained that this was a program being carried on at the Irene Wortham Day Care Center for the maintenance of approximately 20 handicapped children from the Model Cities Area.

Upon motion of Councilman Dailey, seconded by Councilman Hoyle, Resolution No. 72-80 was unanimously adopted.

Complete text of Resolution No. 72-80 will be found in Resolution Book No. 6 at page 235.

CLAIM FOR DAMAGES - BON MARCHE - 33 HAYWOOD STREET

7. The City Clerk reported to Council that he had received a claim from Bon Marche for water damages caused by broken water main in front of their building at 33 Haywood Street.

Mayor Wood referred the claim to Mr. William C. Moore substituting for Corporation Counsel Robert J. Robinson who was on vacation.

COMPLAINT - INSURANCE INDUSTRIES INC.

8. The City Manager reported that he had this date been served with a complaint listing Insurance Industries, Inc. as the plaintiff and the City of Asheville as the defendant. The plaintiff objected to the termination of a land lease by the City of Asheville in connection with lease agreement for a piece of property at the Asheville Airport. He was granted permission to refer the complaint to the Acting Corporation Counsel William C. Moore.

DR. WILLIAM F. POWELL - CURFEW ORDINANCE AND ORDINANCE PROHIBITING DRINKING OF ALCOHOLIC BEVERAGES IN PUBLIC PARKS.

9. Dr. William Powell, of 62 Gertrude Place, reported to Council that the curfew law and the ordinance prohibiting the drinking of alcoholic beverages in public parks, had improved the noise situation in Grove Park, but he felt that it could be further improved. He said that there were fewer participants but the ones that do congregate still violate the curfew and drinking ordinances. He asked for more rigid police enforcement by arresting violators instead of warning them. He said that the patrol cars should be instructed to ride by about 10:00 p. m. each night and not have to be called.

PROCLAMATION - YOUTH THEATRE WEEK

10. Mayor Wood proclaimed the week of July 16-22 as Asheville Youth Theatre Week.

Adjournment.

MAYOR CITY CLERK

The City Manager read the resolution and explained that this was a routine water main extension in line with the water extension policy of the city.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Colton, Resolution No. 72-84 was unanimously adopted.

Complete text of Resolution No. 72-84 will be found in Resolution Book No. 6 at page 240.

EMERGENCY ELECTRICAL WORK IN THE CITY HALL BUILDING

8. Consideration was given to the approval of emergency electrical improvements to the City Hall's electrical system.

The City Manager explained to Council that the overloaded condition of the electrical circuits in the City Hall had made it necessary to curtail some operations and that a serious risk of fire existed. He said that considerable improvements would be necessary within the next year, but that this request for emergency procedures would act as a "stop gap" until such time as specifications could be drawn and the remainder of the work let to contract. He advised that several firms had been asked to submit proposals, but that the only bid received was from M. B. Haynes Electrical Company in the amount of $7,361.00. He recommended the acceptance of this bid.

Councilman Morris moved that due to the emergency situation the bid of $7,361.00 submitted by M. B. Haynes Electric Company be accepted. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

RESIGNATION OF PHIN. HORTON III, CITY MANAGER

9. Consideration was given to the resignation of Phin. Horton III, City Manager.

The City Manager requested permission to read a prepared statement which he asked to be recorded in the minutes in its entirety. Without objection from Council, Mayor Wood granted both requests and his statement follows:

Mayor
Members of City Council

Gentlemen:

On Thursday afternoon, July 20, after 5 o'clock p. m., three members of the City Council met with me to request my resignation as City Manager. In that meeting it was stressed that only eight people knew of Council's decision.

It was made clear to me that it was the hope of the Council that I could successfully seek employment elsewhere by early Fall, and that we would discuss how and when to make it public at a later time. At the conclusion of the meeting that approach was stressed again.

Miss Valerie Owen, Chairman of the ABCYC, made the following recommendations; Rev. W. A. Eason, Mrs. Don Williams, Mrs. E. P. Foster, Mrs. Betty Bryson, and Mrs. John Suberati.

The City Manager read the resolution making these appointments.

Councilman Ochsenreiter moved for the adoption of the resolution which motion was seconded by Vice-Mayor Marshall and carried unanimously.

Complete text of Resolution No. 72-82 will be found in Resolution Book No. 6 at page 238.

FINAL APPROVAL OF CAMELOT, SECTION III SUBDIVISON

5. Consideration was given to the approval of the final plan for Camelot, Section III Subdivision.

The City Manager read the favorable recommendation of the Planning and Zoning Commission. He also read memorandums from the Director of Public Works and the Corporation Counsel stating that the developer had met all the necessary requirements as set out in the code and General Statutes.

Upon motion of Councilman Colton, seconded by Councilman Morris, the subdivision plan was unanimously approved.

RESOLUTION NO. 72-83 - A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF ASHEVILLE AND ENVIRONMENTAL DATA PLANNING ASSOCIATES, INC. FOR DEVELOPMENT OF SYSTEM AND PROGRAMMING SPECIFICATIONS FOR PAYROLL PROCESSING OPERATION FOR THE CITY OF ASHEVILLE

6. Consideration was given to a resolution authorizing the Mayor to execute contract between the City of Asheville and Environmental Data Planning Associates, Inc. for development of system and programming specifications for Payroll Processing Operation for the City of Asheville.

The City Manager read the resolution and Ernest Ward, Director of Finance, explained to Council that the contract was in line with the city's plan to develop an "in-house" capability for preparing weekly and biweekly payrolls using electronic data processing techniques. He said this contract would provide certain technical services required to develop this capability.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Colton, Resolution No. 72-83 was unanimously adopted.

Complete text of Resolution No. 72-83 will be found in Resolution Book No. 6 at page 239.

RESOLUTION NO. 72-84 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH IMPERIAL LAND CORPORATION CONCERNING WATER MAIN EXTENDING NORTHERLY FROM END OF EXISTING 6-INCH WATER LINE ON FERNCLIFF DRIVE TO SERVE SECTION 4 OF BOTANY WOODS SUBDIVISION, SWANNANOA TOWNSHIP, BUNCOMBE COUNTY.

7. Consideration was given to a resolution authorizing the Mayor to enter into agreement with Imperial Land Corporation concerning water main extending northerly from end of existing 6-inch water line on Ferncliff Drive to serve Section 4 of Botany Woods Subdivison, Swannanoa Township, Buncombe County.

RESOLUTION

Whereas, the Asheville Jaycees are concerned about the future of the city government of Asheville, and;

Whereas, we strongly endorse an administrative head, city manager, of said thirteen million dollar per year business who will not use this position for political influence, now;

Therefore, Be It Resolved that the Asheville Jaycees support the selection of a trained professional city manager who has no ties to a particular political party.

SIGNED: Rusty Herman
Rusty Herman, President
Asheville Jaycees

ATTEST: James I. White
James I. White, Past President
Asheville Jaycees

Duly adopted by the Board of Directors of the Asheville Jaycees at their meeting on July 24, 1972.

Mayor Wood commented that he was not at the Javcee meeting when it was passed, but had he been, he would have supported it.

PAUL JONES, JR. STATEMENT

Mr. Paul Jones, Jr., of Haw Creek, told Council that he thought they had made a serious mistake in forcing the City Manager to resign.

Adjournment.

Richard N. Wood
MAYOR

William S. Valentine, Jr.
CITY CLERK

Subsequently, on Friday, July 21, some member of the Council, apparently seeking to take credit for firing me as City Manager, leaked or caused it to be leaked to the news media that I had been fired. Later that morning I met with Mayor Wood, members of my staff, and my wife to formalize a letter of resignation, which was released to the press.

Before I officially submit my resignation as a matter of record I would like to ask the Council formally in this open public meeting to act to request my resignation. This seems only fair as someone broke the silence the committee indicated had been agreed to by all the members of Council.

I am assuming that neither the Mayor nor Mssrs. Colton and Morris, who informed me of Council's decision to request my resignation, related it to the press, so I would assume that someone else who wished the public credit for firing me should make the motion.

My letter is available for submission if it is the will of the Council publicly to adopt a motion requesting it.

Councilman Colton moved that Council formally request Mr. Horton's resignation. This motion was seconded by Councilman Hoyle and carried unanimously.

The City Manager then submitted his letter of resignation.

Councilman Ochsenreiter moved to accept Mr. Horton's resignation. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

PARKS AND RECREATION DEPARTMENT EQUIPMENT REQUEST

10. Consideration was given to a request from the Parks and Recreation Department that $325.00 be made available to this department to purchase a 1963 model, Ford Econoline Truck and two utility trailers from the State Surplus Properties Department.

Mr. Ray Kisiah, Director, in a letter to the City Manager, pointed out the extreme need for this equipment in his department. He also pointed out that the equipment had been thoroughly inspected and in his opinion was an outstanding purchase.

Councilman Ochsenreiter moved that the request be approved. This motion was seconded by Councilman Dailey and carried unanimously.

RESOLUTION BY ASHEVILLE JAYCEES

Mr. George Macatee, Jr., representing the Asheville Junior Chamber of Commerce, asked permission to read a resolution passed by the Jaycees in which they supported the selection of a trained professional City Manager who has no ties to a particular political party.

Mayor Wood directed that the resolution be made a part of the minutes of the meeting. Resolution reads as follows:

The City Manager read the affidavit of publication and cited Resolution No. 72-78 passed on July 13, 1972, which instructed the City Clerk to advertise for the public hearing.

Council was furnished with copies of the ordinance and permitted the City Manager to read the highlights of the ordinance and instructed him to read the address and owner of each dwelling listed for demolition.

Mr. Johnson, when questioned by Council, advised them that he or one of his inspectors had visited each dwelling listed and that he was satisfied that they should be demolished.

Mayor Wood closed the public hearing at 3:22 o'clock p. m.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Ordinance No. 747 passed unanimously on its first reading.

RESOLUTION NO. 72-85 - A RESOLUTION AUTHORIZING PUBLISHING NOTICE OF LEASE WITH PIEDMONT AIRLINES FOR HOLD ROOM

4. Consideration was given to a resolution authorizing the publishing of a lease with Piedmont Airlines for land area to construct a hold room at the Asheville Airport. Incorporated in the resolution was the authorization for the Mayor to execute this lease.

The City Manager read the resolution and reviewed the terms of the lease.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, Resolution No. 72-85 was unanimously adopted.

Complete text of Resolution No. 72-85 will be found in Resolution Book No. 6 at page 241.

RESOLUTION NO. 72-86 - A RESOLUTION CONFIRMING THE ELECTION AND APPOINTMENTS OF MEMBERS TO THE MODEL CITIES COMMISSION

5. Consideration was given to a resolution confirming the election and appointment of members to the Model Cities Commission.

Mayor Wood read the resolution that confirmed the election and the appointment of the following:

Dicie L. Jackson	Precinct 1
Elizabeth Hill	Precinct 2
Daisy C. Glenn	Precinct 3
Oralene Simmons	Precinct 4
Carl E. Johnson	Adult at Large
Vanessa D. Fair	Youth at Large

Thursday - August 3, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Ruben J. Dailey

1. Approval of minutes of July 27, 1972 meeting.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, the minutes of the July 27, 1972 meeting were approved as submitted.

PUBLIC HEARING TO CONSIDER ORDINANCE NO. 748, AN ORDINANCE ADOPTING SUPPLEMENTS AND AMENDMENTS TO MODEL CODES FOR RECERTIFICATION FOR THE ASHEVILLE WORKABLE PROGRAM

2. A public hearing was held concerning the adoption and amendments to Model Codes for recertification for the Asheville Workable Program.

Mayor Wood opened the public hearing at 3:03 o'clock p. m.

The City Manager read the affidavit of publication and cited Resolution No. 72-77 passed on July 13, 1972 which instructed the City Clerk to advertise for the public hearing.

Council was furnished with copies of the ordinance and permitted the City Manager to highlight the contents without reading the ordinance in its entirety.

J. E. Johnson, Chief Building Inspector, explained to Council that the procedure of readopting the codes with the amendments was a requirement of the Department of Housing and Urban Development in connection with the recertification of the City's Workable Program.

Mayor Wood closed the public hearing at 3:12 o'clock.

Councilman Hoyle moved for the adoption of the ordinance, which was seconded by Vice-Mayor Marshall and passed unanimously on its first reading.

PUBLIC HEARING CONCERNING ORDINANCE NO. 747, AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH CERTAIN DESIGNATED DWELLINGS AND AN APARTMENT BUILDING.

3. A public hearing was held to consider the adoption of an ordinance to demolish those houses known as 60 and 62 South Ann Street, 85 Circle Street, 74 Eagle Street, 45 Elizabeth Street, 247 Flint Street, 21 Jason Street, 1 Max Street, 52, 54, and 56 Short Morrow Street, 19 Ocala Street, 75 Park Avenue, 9 Park Place, 181 Pine Street, and 33 Weaver Street and that apartment building known as 86-88 Eagle Street.

Mayor Wood opened the public hearing at 3:12 o'clock p. m.

He presented to Council a resolution which outlined the purposes of the Commission and officially established it.

Councilman Colton moved for the adoption of the resolution. Councilman Hoyle seconded this motion and it was carried unanimously.

Complete text of Resolution No. 72-87 will be found in Resolution Book No. 6 at page 244.

RESOLUTION NO. 72-88 - A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CONSENT JUDGMENT IN N. C. STATE HIGHWAY COMMISSION -vs- WESTGATE CORPORATION, ET AL.

Corporation Counsel Robert J. Robinson advised Council that a settlement had been reached in the condemnation proceedings between the State Highway Commission and the joint owners, the City of Asheville - County of Buncombe, for the taking of a piece of real estate now being leased to Westgate Corporation. He said that an additional $160,000 had been paid into the Court and pursuant to a resolution passed by City Council May 15, 1969 the City and County were entitled to 5.92% of the total recovery. He also said that this resolution would authorize the Mayor to execute the consent judgment.

Upon motion of Councilman Colton, seconded by Vice-Mayor Marshall, Resolution No. 72-88 was unanimously adopted.

Complete text of Resolution No. 72-88 will be found in Resolution Book No. 6 at page 245.

REV. WESLEY GRANT - COMMENTS TO COUNCIL

Rev. Wesley Grant suggested to Council that they hire a black Assistant City Manager, as well as making some black appointments to positions in the $10,000 plus range. He further suggested that all stores be closed on Sunday and that the sale of liquor be banned.

GEORGE COGGINS - WESTGATE CORPORATION REQUEST FOR BUILDING PERMIT

Mr. George Coggins, President of Westgate Corporation, read a prepared statement in which he advised Council that plans were complete for the construction of a 60 x 120 free standing building on Lot # 1, Sheet 3, Ward 6, as shown on the original plan of Westgate Shopping Center. He said that Mr. J. E. Johnson, the Building Inspector, had denied the building permit, because, as Mr. Johnson, interpreted the zoning ordinance, Westgate would be constructing more than one building on a single lot, and therefore would have to be granted a permit by Council under the Group Development section. Mr. Coggins said he did not agree with this interpretation but in the interest of time he would like to request that his application be processed throught the Planning and Zoning Commission for group development plan approval.

Mayor Wood instructed the City Clerk to transmit the plans to the Planning and Zoning Commission with the request for a recommendation to Council on the Group Development Plan. He further instructed the Corporation Counsel to consult with the principals and their legal counsels in an effort to expedite some satisfactory solution. He requested a report from Mr. Robinson at the next Council meeting.

The following individuals were named as direct appointments of City Council:

Fenton T. Erwin	-	Representing Housing
Donald R. Lineberger	-	Representing Larger Employer
James M. Pressley	-	Representing Business
Gene E. Rainey	-	Representing Education
Robert S. Adams	-	Representing Industry
Ethelene M. Brasington	-	Representing Health

All were appointed for two year terms.

Upon motion of Councilman Ochsenreiter, seconded by Vice-Mayor Marshall, Resolution No. 72-86 was unanimously adopted.

Complete text of Resolution No. 72-86 will be found in Resolution Book No. 6 at page 242.

BIDS ON SPORTS EQUIPMENT FOR MODEL NEIGHBORHOOD RECREATION PROGRAM

6. Consideration was given to bids received July 31, 1972 for sports equipment for the Model Neighborhood Recreation Program.

The City Manager read a memorandum from J. R. McMahan, Purchasing Agent, recommending the acceptance of the Asheville Army Store's low bid of $3,570.84.

Council discussed at length the advisability of purchasing baseball equipment this late in the season with the possibility that the baseball program might not be funded next year. Ray Kisiah, Director of Parks and Recreation, explained that the funds for uniforms were available this year but would not be included in next years program, but the uniforms purchased now would be used next year.

Councilman Ochsenreiter moved that the low bid of $3,570.84 submitted by the Asheville Army Store be accepted and that the contract be awarded to this firm. Councilman Colton seconded this motion and it carried unanimously.

Bids were as follows:

Bid Request #136 - Sports Equipment- Model Neighborhood Recreation Program

Superior Sports Supply 211 Patton Avenue Asheville, North Carolina	The Sports Mart 32 Battery Park Avenue Asheville, North Carolina	Asheville Army Store 35 Patton Avenue Asheville, North Carolina
$3,715.42	$ 4,257.00	$ 3,570.84

RESOLUTION NO. 72-87 - A RESOLUTION ESTABLISHING THE ASHEVILLE-BUNCOMBE DRUG AND ALCOHOL ABUSE ADVISORY COMMISSION.

7. Consideration was given to a resolution establishing the Asheville Buncombe County Drug and Alcohol Abuse Advisory Commission.

Mayor Wood announced the combined efforts of the City Council and Buncombe County Commissioners to combat the problem of drug and alcohol abuse by the formation of a joint Asheville Buncombe County Drug and Alcohol Abuse Advisory Commission.

Thursday - August 10, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Vice-Mayor Calvin W. Marshall, Presiding; Councilman Henry E. Colton, Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., J. W. Hoyle, Ruben Dailey, Corporation Counsel Robert J. Robinson, City Manager Phin. Horton III Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Richard A. Wood, Jr.

1. Approval of minutes of August 3, 1972 meeting.

Upon motion of Councilman Morris, seconded by Councilman Hoyle the minutes of the August 3, 1972 meeting were approved as submitted.

ORDINANCE NO. 747 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 60 AND 62 SOUTH ANN STREET, 85 CIRCLE STREET, 74 EAGLE STREET, 45 ELIZABETH STREET 247 FLINT STREET, 21 JASON STREET, 1 MAX STREET, 52, 54, AND 56 SHORT MORROW STREET, 19 OCALA STREET, 75 PARK AVENUE, 9 PARK PLACE, 181 PINE STREET, AND 33 WEAVER STREET AND THAT APARTMENT BUILDING KNOWN AS 86 88 EAGLE STREET.

2. Consideration was given to the second reading of Ordinance No. 747, an ordinance directing the Housing Officer to demolish those houses known as 60 and 62 South Ann Street, 85 Circle Street, 74 Eagle Street, 45 Elizabeth Street 247 Flint Street, 21 Jason Street, 1 Max Street, 52, 54, and 56 Short Morrow Street, 19 Ocala Street, 75 Park Avenue, 9 Park Place, 181 Pine Street, and 33 Weaver Street and that apartment building known as 86-88 Eagle Street.

On a roll call vote, Ordinance No. 747 carried unanimously on its second reading.

ORDINANCE NO. 748 - AN ORDINANCE AMENDING SECTIONS 8-1 AND 8-3 OF CHAPTER 8, ARTICLE I ENTITLED STATE BUILDING CODE ADOPTED AND STATE UNIFORM RESIDENTIAL BUILDING CODE ADOPTED RESPECTIVELY AND ADOPTING AS SECTION 20-1 OF CHAPTER 20 OF THE CODE OF ORDINANCES THE 1968 EDITION OF THE NORTH CAROLINA PLUMBING CODE, AS SECTION 8-61 OF CHAPTER 8 OF THE CODE OF ORDINANCES THE 1971 EDITION OF THE NORTH CAROLINA HEATING CODE AND AS SECTION 11-68 OF CHAPTER 11 OF THE CODE OF ORDINANCE THE 1971 EDITION OF THE NORTH CAROLINA ELECTRICAL CODE BY REFERENCE.

3. Consideration was given to the second reading of Ordinance No. 748, an ordinance amending Sections 8-1 and 8-3 of Chapter 8, Article I entitled State Building Code adopted and State Uniform Residential Building Code adopted respectively and adopting as Section 20-1 of Chapter 20 of the Code of Ordinance the 1968 Edition of the North Carolina Plumbing Code, as Section 8-61 of Chapter 8 of the Code of Ordinances the 1971 Edition of the North Carolina Heating Code and as Section 11-68 of Chapter 11 of the Code of Ordinances the 1971 Edition of the North Carolina Electrical Code by reference.

On a roll call vote, Ordinance No. 748 carried unanimously on its second reading.

WILLIAM F. HARDY - COMPLAINT

William Hardy of Thurland Avenue reported the need for more fire hydrants in the Keebler Road - Dalton Street and McLain Street area. He requested attraffic signal at the intersection of Biltmore Avenue and Forest Hill Road. He also asked Council to investigate the dangerous condition of Wyoming Road. He said that the road was not on the right of way and that if it were realigned the dangerous curve could be eliminated.

Mayor Wood instructed the City Manager to investigate the complaints and report back to Council at the next meeting.

MRS. NORA KNUCKLES - COMMENTS REGARDING CURVE STREET.

Mrs. Nora Knuckles reported to Council that the right of way on Curve Street had grown up with brush and that women were afraid to use the street after dark. She said that additional street lights were also needed.

Adjournment.

Richard A. Woodall
MAYOR

William F. Holcomb
CITY CLERK

CITY MANAGER'S REPORT - CURVE STREET- KEEBLER STREET - DALTON STREET - WYOMING ROAD

As instructed by Council at the previous meeting, the City Manager reported to Council on several complaints. He said that the right of way along Curve Street had been trimmed and that additional street lighting had been ordered. He read a report from the Fire Department on the condition of the fire hydrants in the Keebler Street, Dalton Street, and Wyoming Road area and said this would be forwarded to Water Engineering Department for action. He also read a letter from the Traffic Engineering Department regarding a request to the State Highway Department requesting a traffic signal at Forest Hill Drive and Biltmore Avenue. He said that the Engineering Department had started work on the Wyoming Road realignment so that a cost estimate could be determined.

PETITION FOR IMPROVEMENT OF THE WATER PRESSURE IN THE HI-ALTA AREA

Mr. Webb Morgan, 333 Hi-Alta Avenue, presented Council with a petition requesting relief from the lack of water in the Hi-Alta, Appalachian Way, Shadow Lawn Drive and Lakeside Drive area.

Vice-Mayor Marshall directed the City Manager to refer the request to the Water Engineering Department for investigation and report.

ADVERTISEMENT FOR PUBLIC HEARING - WESTGATE CORPORATION GROUP DEVELOPMENT

The City Manager requested authority from Council to advertise for a public hearing on the Group Development Plan for the Westgate Corporation. He said that this was a departure from normal procedure since the Planning and Zoning Commission would not have an opportunity to review the plan until August 30, 1972. He suggested the date of August 31, 1972 for the public hearing. The reason for the advertisement being to save the Westgate Corporation valuable construction time.

Councilman Colton moved that the City Clerk be instructed to advertise the public hearing, at the petitioners expense, for August 31, 1972. This motion was seconded by Councilman Morris and carried unanimously.

Adjournment.

Richard A. Woodruff
MAYOR

Miriam S. Holcomb
CITY CLERK

RESOLUTION NO. 72-89 - A RESOLUTION AUTHORIZING VICE-MAYOR TO EXECUTE WAIVER FOR INSTALLATION OF LEASED COMPUTER TERMINAL UNITS AT AVIS RENT A CAR COUNTER AT ASHEVILLE AIRPORT.

4. Consideration was given to Resolution No. 72-89, a resolution authorizing Vice-Mayor to execute waiver for installation of leased computer terminal units at Avis Rent A Car Counter at Asheville Airport.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 72-89 was unanimously adopted.

Complete text of Resolution No. 72-89 will be found in Resolution Book No. 6 at page 246.

BIDS ON SPORTS EQUIPMENT FOR MODEL NEIGHBORHOOD RECREATION PROGRAM.

The City Manager read a letter addressed to Ernest Ward, Finance Director, from Larry Fisher, Deputy Director Model Cities, in which he advised Mr. Ward that the HUD office in Greensboro had informed him that it would be inappropriate to purchase equipment in one action year for use in the next. The City Manager advised Council that since they had approved such a purchase from the Army Store at the previous meeting he felt they should consider taking some rescinding action.

Councilman Dailey moved that the action taken by Council at the August 3, 1972 meeting, approving the purchase of certain sports equipment from the Asheville Army Store, be rescinded and that the purchase order be cancelled. Councilman Hoyle seconded the motion and it carried unanimously.

LETTER TO CITY MANAGER FROM FOREMAN IN THE WATER DEPARTMENT - RE: SALARY ADJUSTMENTS

5. The City Manager informed Council that he had received a letter from the foremen in the Water Department requesting a meeting to discuss with Council the new salary schedule as it applied to their classification.

Vice-Mayor Marshall acknowledged the letter and advised the City Manager that the matter would be withheld until Mayor Wood returned to the City next week.

BILLIARD PARLOR LICENSE APPLICATION - 11 SOUTHWEST PACK SQUARE

6. The City Manager reported that he had received an application for the operation of a billiard parlor at 11 Southwest Pack Square. He said the application was in order.

Vice-Mayor Marshall directed the City Manager to refer the application to the Police Department, Fire Department, Health Department and Building Inspector for the required investigation and reports.

PROCLAMATION - NATIONAL BATON TWIRLING WEEK - AUGUST 14 - 19, 1972

7. Vice-Mayor Marshall proclaimed the week of August 14 - 19, 1972 as National Baton Twirling Week.

The City Manager was requested to identify the ordinance by reading the title.

On a roll call vote, Ordinance No. 748 passed unanimously on the third and final reading.

Complete text of Ordinance No. 748, will be found in Ordinance Book No. 5 at page 244.

RESOLUTION NO. 72-90 - A RESOLUTION AUTHORIZING MAYOR TO EXECUTE AN OPTION TO PURCHASE A PARCEL OF LAND ADJACENT TO THE CIVIC CENTER

4. Consideration was given to a resolution authorizing Mayor to execute an option to purchase a parcel of land adjacent to the Civic Center.

The City Manager read the resolution and in summarizing the terms of the option pointed out that the consideration was for $25.00 per month beginning August 1, 1972 terminating December 31, 1973. The purchase price being $26,000 less the total option payments.

Mayor Wood emphasized that the property, located at the corner of Hiawassee Street and Rankin Avenue and adjacent to the Civic Center property, is vitally important from the standpoint of future relocation of power lines and access to the rear of the Civic Center.

Upon motion by Councilman Dailey seconded by Councilman Hoyle, Resolution No. 72-90 was unanimously adopted.

Complete text of Resolution No. 72-90 will be found in Resolution Book No. 6 at page 247.

RESOLUTION NO. 72-91 - A RESOLUTION APPROVING THE SELECTION OF AN ATTORNEY TO PERFORM THE TITLE EXAMINATIONS AND RELATED LEGAL DUTIES INVOLVED IN LAND ACQUISITION FOR THE RIVERSIDE PARK PROJECT.

5. Consideration was given to a resolution approving the selection of an attorney to perform the title examinations and related legal duties involved in land acquisition for the Riverside Park Project.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, Resolution No. 72-91 was unanimously adopted.

Complete text of Resolution No. 72-91 will be found in Resolution Book No. 6 at page 248.

GROUP DEVELOPMENT REQUEST THE ERVIN COMPANY

6. Consideration was given to a request of The Ervin Company that Council advertise the notice of a public hearing on two proposed group development projects.

Thursday - August 17, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., J. W. Hoyle, Ruben J. Dailey, City Manager Phin. Horton III, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Corporation Counsel Robert J. Robinson

1. Approval of minutes of August 10, 1972 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle the minutes of the August 10, 1972 meeting were approved as submitted.

ORDINANCE NO. 747 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 60 AND 62 SOUTH ANN STREET, 85 CIRCLE STREET, 74 EAGLE STREET, 45 ELIZABETH STREET, 247 FLINT STREET, 21 JASON STREET, 1 MAX STREET, 52, 54, AND 56 SHORT MORROW STREET, 19 OCALA STREET, 75 PARK AVENUE, 9 PARK PLACE, 181 PINE STREET, AND 33 WEAVER STREET AND THAT APARTMENT BUILDING KNOWN AS 86-88 EAGLE STREET.

2. Consideration was given to the third and final reading of Ordinance No. 747, an ordinance directing the Housing Officer to demolish those houses known as 60 and 62 South Ann Street, 85 Circle Street, 74 Eagle Street, 45 Elizabeth Street, 247 Flint Street, 21 Jason Street, 1 Max Street, 52, 54, and 56 Short Morrow Street, 19 Ocala Street, 75 Park Avenue, 9 Park Place, 181 Pine Street, and 33 Weaver Street and that apartment building known as 86-88 Eagle Street.

The City Manager repeated the locations and owners of the houses to be demolished.

On a roll call vote, Ordinance No. 747 passed unanimously on the third and final reading.

Complete text of Ordinance No. 747 will be found in Ordinance Book No. 5 at page 240.

ORDINANCE NO. 748 - AN ORDINANCE AMENDING SECTIONS 8-1 AND 8-3 OF CHAPTER 8, ARTICLE I ENTITLED STATE BUILDING CODE ADOPTED AND STATE UNIFORM RESIDENTIAL BUILDING CODE ADOPTED RESPECTIVELY AND ADOPTING AS SECTION 20-1 OF CHAPTER 20 OF THE CODE OF ORDINANCES THE 1968 EDITION OF THE NORTH CAROLINA PLUMBING CODE, AS SECTION 8-61 OF CHAPTER 8 OF THE CODE OF ORDINANCES THE 1971 EDITION OF THE NORTH CAROLINA HEATING CODE AND AS SECTION 11-68 OF CHAPTER 11 OF THE CODE OF ORDINANCES THE 1971 EDITION OF THE NORTH CAROLINA ELECTRICAL CODE BY REFERENCE

2. Consideration was given to the third and final reading of Ordinance No. 748, an ordinance amending Sections 8-1 and 8-3 of Chapter 8, Article I entitled State Building Code Adopted and State Uniform Residential Building Code Adopted respectively and adopting as Section 20-1 of Chapter 20 of the Code of Ordinances the 1968 edition of the North Carolina Plumbing Code, as Section 8-61 of Chapter 8 of the Code of Ordinances the 1971 edition of the North Carolina Heating Code and as Section 11-68 of Chapter 11 of the Code of Ordinances the 1971 edition of the North Carolina Electrical Code by reference.

BILLIARD HALL APPLICATION - 11 SOUTHWEST PACK SQUARE - WITHDRAWN

9. The City Manager reported that the application for permission to operate a billiard hall at 11 Southwest Pack Square had been withdrawn by the applicant. Therefore, the matter would not be coming before Council as requested at the last meeting.

DEGGELLER SHOW PERMIT

10. The City Manager read an application from Deggeller Shows for permission to exhibit in Asheville on August 23, 1972 through August 29, 1972. He advised Council that this show had been permitted to operate in Asheville on previous occasions and that they had a good reputation. He said that Council's authorization was required before he could sign the permit.

Vice-Mayor Marshall moved for the authorization to issue the permit. Councilman Morris seconded this motion and it carried unanimously.

MR. E. R. McCARTHY - ASTON PARK HOSPITAL

11. Mr. E. R. McCarthy discussed the Aston Park Hospital construction slow down and requested Council "to consider a resolution favoring the issuance of a certificate of necessity, so this hospital can qualify for any available aid thus enabling construction of the originally planned facility to begin at the earliest possible time."

HI-ALTA AVENUE WATER REPORT

12. Webb Morgan, 333 Hi-Alta Avenue, asked Council for a progress report on their petition requesting relief from the lack of water in the Hi-Alta area.

The City Manager advised Council that Jesse Jayne, Superintendent of Special Projects, had been assigned to investigate this complaint and was present to give them a preliminary report. Mr. Jayne indicated on a map the location and sizes of the water lines supplying this area and reported that the lines were not adequate to meet the peak demand. He said that the long range solution would be the installation of larger mains and the construction of a storage reservoir. As a temporary measure, he suggested that the installation of a variable speed pump, located in vicinity of Old Haywood Road, might possibly relieve some of the low pressure problems. He warned, however, that this installation might adversely affect other areas and he requested more time for study. Council requested that he continue his investigation and report his findings at the next meeting.

Adjournment.

Richard D. Wood Jr.
MAYOR

Thomas J. Wallace Jr.
CITY CLERK

The City Manager read a letter from The Ervin Company advising Council that they were in the process of submitting to the Planning and Zoning Commission two group development projects for review at the September 6, 1972 meeting. Due to an option limitation they asked that the date for the public hearing be set at the earliest possible time. The date for the public hearing suggested by the City Manager was September 7, 1972.

Councilman Morris moved that the application for the two group developments be referred to Planning and Zoning for review and recommendation. Further, that the City Clerk be authorized to advertise, at the petitioners expense, a public hearing to be held at the September 7, 1972 meeting. This motion was seconded by Vice-Mayor Marshall.

Councilman Colton suggested that this did not give the public ample opportunity to be advised of the Planning and Zoning Commission's recommendations and asked for an amendment to the motion extending the date for the public hearing to September 14, 1972.

Councilman Morris and Vice-Mayor Marshall accepted this amendment and the motion carried unanimously.

RESOLUTION NO. 72-92 - A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE A TOUR APPEARANCE AGREEMENT WITH THE UNITED STATES ARMY FIELD BAND

7. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute a tour appearance agreement with the United States Army Field Band.

The City Manager read the resolution.

Mayor Wood noted that the Army Band concert to be held on October 14, 1972 under the sponsorship of the Parks and Recreation Department was free to the public.

Councilman Morris pointed out that this would be a good opportunity for the public to see the progress being made on the new Civic Center while listening to a band concert in what is left of the old auditorium.

Councilman Morris moved for the adoption of the resolution. Councilman Ochsenreiter seconded this motion and it was carried unanimously.

Complete text of Resolution No. 72-92 will be found in Resolution Book No. 6 at page 249.

PETITION FOR REZONING - GROVE PARK AREA

8. The City Manager presented to Council a petition requesting that a portion of the Grove Park Area, generally bounded by Charlotte Street, Evelyn Place and Murdock Avenue be rezoned from RA-8 Residential to RA-10 Residential.

In the absence of objections Mayor Wood instructed the City Clerk to refer the petition to the Planning and Zoning Commission for review and recommendation.

Thursday - August 31, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., J. W. Hoyle, Ruben J. Dailey, Corporation Counsel Robert J. Robinson, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: City Manager Phin. Horton III

Mayor Wood noted that two press conferences had been held today announcing that City Manager Phin. Horton III was in Valdosta, Georgia accepting the position of City Manager there and that Council had announced that Ernest J. Ward, Jr., Finance Director for the City of Asheville had been chosen to serve as City Manager of Asheville, which would become effective September 7, 1972. Mayor Wood noted that no formal action would be taken at this time, but Mr. Ernest J. Ward, Jr. would be sworn in as City Manager at the next meeting, Thursday, September 7, 1972.

1. Approval of minutes of August 17, 1972 meeting.

Mayor Wood stated that due to the lack of business, no meeting was held on Thursday, August 24, 1972 and the approval of the minutes of the August 17, 1972 meeting would be under consideration.

Upon motion of Councilman Colton, seconded by Vice-Mayor Marshall, the minutes of the August 17, 1972 meeting were approved as submitted.

PUBLIC HEARING - WESTGATE CORPORATION GROUP DEVELOPMENT PLAN

2. A public hearing was held to consider the approval of the proposed group development plan submitted by the Westgate Corporation.

Mayor Wood opened the public hearing at 3:05 o'clock p. m.

Assistant City Manager William F. Wolcott read the affidavit of publication which gave notice of the scheduling of the public hearing to be held on this date and at this time.

Mayor Wood called on Alan Lang of the Planning Staff who gave the report of the Planning and Zoning Commission which recommended approval of the plan subject to required parking being provided prior to the issuance of an occupancy permit.

George Coggins, President of the Westgate Corporation, presented a check for the advertising of the public hearing and stated that required parking is provided as the plans are set out at the present time.

Mayor Wood closed the public hearing at 3:14 o'clock p. m.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, the preliminary group development plan was approved subject to the required parking being provided prior to the issuance of an occupancy permit. This motion was unanimously adopted.

Thursday, August 24, 1972

Regular Meeting:

MAYOR WOOD ANNOUNCED THAT DUE TO THE LACK OF BUSINESS, THERE WILL NOT BE A REGULAR CITY COUNCIL MEETING ON THURSDAY, AUGUST 24, 1972.

Richard D. Wood, R
MAYOR

William D. Wolcott
CITY CLERK

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR WATER LINE EXTENSIONS IN THE BALLANTREE SUBDIVISION

6. Mayor Wood stated that this item had been deleted from the agenda, as the principals had not reached a satisfactory agreement.

RESOLUTION NO. 72-96 - A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH FRANK MINKER AND WIFE, EMMA MINKER, CONCERNING A WATER LINE EXTENSION IN FRANEM ACRES ALONG BELMONT DRIVE AND NORMAN ROAD, HOOPERS CREEK TOWNSHIP, HENDERSON COUNTY.

7. Consideration was given to Resolution No. 72-96, a resolution authorizing the Mayor to enter into agreement with Frank Minker and wife, Emma Minker, concerning a water line extension in Franem Acres along Belmont Drive and Norman Road, Hoopers Creek Township, Henderson County.

The Assistant City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Morris, Resolution No. 72-96 was unanimously adopted.

Complete text of Resolution No. 72-96 will be found in Resolution Book No. 6 at page 255.

PETITION - REZONING OF PROPERTY ON LOUISIANA AVENUE

8. The Assistant City Manager presented a petition he had received, requesting that two lots on Louisiana Avenue be rezoned from Residential to Roadside Business.

Councilman Morris moved that the petition be referred to the Planning and Zoning Commission for study and recommendation, which motion was seconded by Vice-Mayor Marshall, and unanimously adopted.

PETITION - REDWOOD FOREST HOMEOWNERS ASSOCIATION

9. Mayor Wood presented a petition he had received from the Redwood Forest Homeowners Association requesting some relief from the entrances of Crockett Avenue and Beechwood Road being used as a business access. The petition also requested that a paved cul-de-sac be constructed at the dead end of Crockett Avenue, therefore prohibiting trucks from using private driveways as turn arounds.

Mayor Wood called on Alan Lang of the Planning Staff who reported that several of the representatives of the Redwood Forest Homeowners Association had contacted him regarding what could be done to relieve them of some of their problems in their neighborhood. Mr. Lang informed Council that so far he had not been able to come up with anything that would help.

Mr. Ray Stepp, spoke to Council about the problems the residents in Redwood Forest were having, and requested Council to do anything they could to relieve the area from more commercial uses in their neighborhood. Mr. Stepp also congratulated the Council on their selection of the new City Manager.

RESOLUTION NO. 72-93 - A RESOLUTION TO JOIN THE REGION B PLANNING AND ECONOMIC DEVELOPMENT COMMISSION

3. Consideration was given to Resolution No. 72-93, a resolution to join the Region B Planning and Economic Development Commission.

The Assistant City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, Resolution No. 72-93 was unanimously adopted.

Mayor Wood stated that Asheville was the last of 17 local governments to join Region B.

Complete text of Resolution No. 72-93 will be found in Resolution Book No. 6 at page 250.

RESOLUTION NO. 72-94 - A RESOLUTION ESTABLISHING INSPECTION FEES (NORTH CAROLINA STATE BUILDING CODE, VOLUME III HEATING, 1971 EDITION) UNDER ORDINANCE 748 SECTION 8-61 (C) ADOPTED SEPTEMBER 1, 1971.

4. Consideration was given to Resolution No. 72-94, a resolution establishing inspection fees (North Carolina State Building Code, Volume III Heating, 1971 Edition) under Ordinance 748 Section 8-61 (C) adopted September 1, 1971.

The Assistant City Manager read the resolution.

Upon motion of Councilman Dailey, seconded by Councilman Hoyle, Resolution No. 72-94 was unanimously adopted.

It was noted that the Department of Public Safety would require the heating permits and collect the fees at the time applications for building permits are applied for, and the Western North Carolina Air Pollution Control Board would make the heating inspections.

Complete text of Resolution No. 72-94 will be found in Resolution Book No. 6 at page 251.

RESOLUTION NO. 72-95 - A RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THAT DWELLING HOUSE AND BUILDING LISTED BELOW.

5. Consideration was given to Resolution No. 72-95, a resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish the dwelling house known as 38 Jefferson Drive and a building known as 37-39 Mountain Street.

The Assistant City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, Resolution No. 72-95 was unanimously adopted.

It was noted that the resolution called for the public hearing to be held on September 14, 1972, and this would not give time to publish for the public hearing 15 days before the public hearing, therefore the resolution was amended, calling for the public hearing to be held on September 21, 1972.

Complete text of Resolution No. 72-95 will be found in Resolution Book No. 6 at page 254.

CLAIM FOR DAMAGES - MRS. HOWARD RHINEHARDT

13. The Assistant City Manager presented a claim from Mrs. Howard Rhinehardt, which he had received, which claim was for payment of $950.00 in damages, in which she contended was a result of a sewer main overflow into her home at 38 Sycamore Street.

Mayor Wood referred the claim to the Corporation Counsel for review and recommendation.

PETITION - PROPERTY OWNERS ON CHARLES STREET

14. The Assistant City Manager presented a petition from the property owners on Charles Street requesting that Charles Street be resurfaced.

The Assistant City Manager also read a letter which was sent to Mr. Robert Fields by Mr. Philip C. Cocke, Public Works Director, setting out the procedures to have the street paved. This letter was sent to Mr. Fields after a previous petition had been received.

Mayor Wood referred the request to the Assistant City Manager for review and asked that he report back to Council on the matter at next weeks meeting.

MRS. NELL STROUPE - FIRE HYDRANTS ON SHILOH ROAD

15. Mrs. Nell Stroup asked Council if anything could be done for residents on Shiloh Road in getting fire hydrants put on their street.

Mayor Wood referred the request to the Assistant City Manager for review and asked that he report back to Council regarding this matter.

LAKE JULIAN - CLOSING

16. Mr. Emil Stahl requested the Mayor to comment on the closing of Lake Julian.

Mayor Wood told Mr. Stahl that it was decided, when the budget was adopted, to discontinue the recreation area at Lake Julian in January, 1973, and after that time, the city would maintain limited security for the area until the lease is cancelled or until someone else took over the area. Mayor Wood noted that the City has been losing about $30,000 a year on the recreation area, and that any proposal for keeping the recreation area open would have to be approved by the Carolina Power and Light Company.

Mr. Charles Frampton questioned Mayor Wood as to what could be done to keep Lake Julian open. Mayor Wood stated that several organizations had expressed their interest in keeping this area open, but this would require the approval of the Carolina Power and Light Company.

Mayor Wood stated that the City had implemented a $900,000 Parks and Recreation Program which would upgrade the city's neighborhood parks and facilities.

Mr. Jan M. Weigman stated that he had talked with the Carolina Power and Light Company regarding the City closing the recreation area and was informed that Caroling Power and Light Company had not been notified of the closing and that under the terms of the lease the city was required to give Carolina Power and Light Company six (6) months notice before closing the area.

Councilman Morris moved that the petition be referred to the Planning and Zoning Commission for study and recommendation, and that the Planning and Zoning Commission work with the Public Works Department in their study and recommendation. This motion was seconded by Councilman Ochsenreiter and passed unanimously.

BIDS - 1972-73 STREET PAVING IN THE CITY OF ASHEVILLE

10. Consideration was given to bids received August 29, 1972 for construction of project A-6320.41 and C-6320,41, 1972-73 Street Paving in the City of Asheville.

The Assistant City Manager read a memorandum from the Purchasing Agent stating that bids had been received for the 1972-73 Street Paving and he recommended the low bid of Asheville Paving Company in the amount of $205,170.

Mr. Philip C. Cocke, Public Works Director stated that of this amount $49,289 would be spent in Urban Renewal, and $155,820 would be for resurfacing, with 60% being spent this fall. He said under the contract the unit prices would be in effect throughout the fiscal year or until the quantity has been used up.

Councilman Morris moved that the low bid of Asheville Paving Company in the amount of $205,170 be accepted, which motion was seconded by Councilman Dailey and unanimously adopted.

The following is the tabulation of the bids:

Asheville Paving Company	Warren Brothers Company	Midstate Contractors
$ 205,170.00	$ 210,975.00	$ 213,100.00

RESOLUTION NO. 72-97 - A RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE LIBRARY BOARD (Anthony Lord - reappointed)

11. Consideration was given to Resolution No. 72-97, a resolution appointing member to the Asheville Library Board.

Mayor Wood read the resolution.

Upon motion of Councilman Dailey, seconded by Councilman Colton, Resolution No. 72-97 was unanimously adopted.

Complete text of Resolution No. 72-97 will be found in Resolution Book No. 6 at page 256.

RESOLUTION NO. 72-98 - A RESOLUTION APPOINTING MEMBERS TO THE RECREATION BOARD FOR ASHEVILLE (Mrs. James Westall, Lonnie Gilliam, William Phiffer, William Rocamora)

12. Consideration was given to Resolution No. 72-98, a resolution appointing members to the Recreation Board for Asheville.

Mayor Wood read the resolution.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall, Resolution No. 72-98 was unanimously adopted.

Complete text of Resolution No. 72-98 will be found in Resolution Book No. 6 at page 257.

Thursday- September 7, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Ruben J. Dailey, Corporation Counsel Robert J. Robinson

Absent: Councilman J. W. Hoyle and Assistant City Manager/City Clerk William F. Wolcott, Jr.

1. Approval of minutes of August 31, 1972 meeting.

Upon motion of Councilman Morris, seconded by Councilman Colton, the minutes of the August 31, 1972 meeting were approved as submitted.

SWEARING IN OF ERNEST J. WARD, JR. AS CITY MANAGER

2. Mayor Wood noted that at last weeks meeting the Council stated that formal action would be taken at today's meeting appointing Mr. Ernest J. Ward, Jr. as City Manager.

Councilman Morris moved to appoint Ernest J. Ward, Jr. as City Manager. This motion was seconded by Vice-Mayor Marshall and unanimously adopted.

Mayor Wood administered the oath of office to Mr. Ernest J. Ward, Jr.

Mr. Ward made a brief statement and said he was greatly encouraged by the many kind remarks and letters he had received since his appointment was announced last week.

Mr. Ernest J. Ward, Jr. then began his duties as City Manager.

BIDS - WINTER UNIFORMS FOR POLICE DEPARTMENT AND WORK UNIFORMS FOR FIRE DEPARTMENT

3. Consideration was given to bids received September 1, 1972 for winter uniforms for Police Department and work uniforms for the Fire Department.

City Manager Ernest J. Ward, Jr. presented a tabulation sheet of the bids received and read a letter from Mr. J. R. McMahan, Purchasing Agent, who recommended the low bid of the Asheville Army Store in the amount of $15,200.39. Mr. Ward stated that Chief Hall of the Police Department and Chief Ball of the Fire Department concurred in this recommendation.

Councilman Morris moved to accept the low bid of the Asheville Army Store in the amount of $15,200.39. This motion was seconded by Councilman Colton and passed unanimously.

The tabulation of bids are as follows:

Asheville Army Store	Steinette Uniform Sales
$15,200.39	$15,530.84

BIDS - PLUMBING FIXTURES, TOILET COMPARTMENTS, METAL DOORS, FRAMES AND HARDWARE FOR THE PARKS AND RECREATION DEPARTMENT

4. Consideration was given to bids received August 31, 1972 for plumbing

Mayor Wood stated that this was a legal matter regarding the lease, and directed the Corporation Counsel to review the Lake Julian lease.

MRS. MATTIE WALKER - COMPLAINT

17. Mrs. Mattie Walker, 16 Baxter Street, spoke to Council regarding two vacant houses next to hers, which she thought was being used by vagrants, and should be investigated.

Mayor Wood referred this matter to the Assistant City Manager for investigation.

Adjournment.

Richard D. Wood, Jr.
MAYOR

William D. Malcott, Jr.
CITY CLERK

Mayor Wood noted that the North Carolina State Highway Commission would hold a public hearing on September 28, 1972 concerning the connector between Chunns Cove and I-40 and would receive comments at that time. Mayor Wood stated that, if the Resolution was passed he would present it at the public hearing on September 28.

The City Manager read the resolution.

Mr. Philip Cocke, Public Works Director stated that he would like to have the off ramp going east on Charlotte Street included in the resolution.

Mayor Wood noted that the completion of the Urban Renewal project would depend on the Charlotte Street Project, which would improve the traffic situation in this area.

Mayor Wood amended the resolution to include the removal of the expressway ramp at Oak Street from the Beaucatcher Cut Project.

Councilman Morris moved for the adoption of Resolution No. 72-99 as amended. This motion was seconded by Councilman Colton and unanimously adopted.

FEDERAL GRANT FOR DRUG EDUCATION AND NARCOTICS CONTROL.

6. Mayor Wood announced that the City of Asheville and County of Buncombe have received a federal grant for a Drug Education and Narcotics Control Program. The total program budget is $101,099 of which $74,874 will be federal funds and $26,225 will be from local in-kind contributions. Primary groups involved in the program are the Asheville Police Department and the Buncombe County Sheriff's Department through the Interagency Narcotics Squad; the Buncombe County Health Department and the Asheville Buncombe County Drug and Alcohol Abuse Advisory Commission. The major part of the program funds will be used to provide initial personnel to the Drug and Alcohol Abuse Advisory Commission to the Narcotics Squad and Health Department in the Health Education Division. Congressman Taylor had coordinated his interest in the program with the efforts of city and county officials.

PROCLAMATION - MODERN VOLUNTEER ARMY MONTH - SEPTEMBER, 1972

7. Mayor Wood proclaimed the month of September as Modern Volunteer Army Month.

WORKABLE PROGRAM RECERTIFIED

8. City Manager Ernest J. Ward, Jr. announced that the City of Asheville has been notified by the Department of Housing and Urban Development that their Workable Program has been recertified until August 1, 1974. The Workable Program is a HUD activity that gives the city an opportunity to examine what has been accomplished in the past two years and to decide what should be accomplished in the next two years in the areas of codes and code enforcement, planning and programming, housing and relocation and citizen involvement. Participants in the Development of the Workable Program for 1972-74 were the Asheville City Council; Housing Authority of the City of Asheville; Metropolitan Planning Board; Model Cities Agency; Opportunity Corporation of Madison-Buncombe Counties; Building Inspector; Director of Finance; Director of Public Works and the Municipal Coordinator. The "Continuing Committee on the Workable Program", consisting of

fixtures, toilet compartments, metal doors, frames, and hardware for the Parks and Recreation Department.

City Manager Ernest J. Ward, Jr. presented tabulation sheets on the bids and read a letter from Mr. J. R. McMahan, Purchasing Agent, who recommended the low bid of Hajoca Corporation for Items 1 - 5 which included plumbing fixtures in the amount of $3,667.82 and recommended the low bid of Citizens Hardware for Items 6 and 7, which included toilet compartments, door frames and hardware in the amount of $6,916.40.

Mr. Ward also read a letter from Mr. Ray L. Kisiah, Director of Parks and Recreation who concurred in the Purchasing Agent's recommendation.

Mr. Kisiah stated that these fixtures were to be used in the Open Space Program in the eight (8) neighborhood parks in the City.

Councilman Ochsenreiter moved to accept the low bid of Hajoca Corporation for Items 1 - 5 in the amount of $3,667.82 and the low bid of Citizens Hardware for Items 6 and 7 in the amount of $6,916.40. This motion was seconded by Vice-Mayor Marshall and unanimously adopted.

The tabulation of bids are as follows:

Items # 1 - 5 - Plumbing Fixtures, Toilet Compartments, Metal Doors, Frames and Hardware

Bidder	Total Bid
Hajoca Corporation	$ 3,667.82
Parnell-Martin Supply	3,953.69

Items # 6 - Toilet Compartments

Bidder	Total Bid
Hajoca Corporation	$ 3,305.06
Citizen Hardware	3,221.84
Allen Shaw Company	3,436.08
Parnell Martin Supply	3,439.17

Items # 7 - Door Frames, Frames and Hardware

Bidder	Total Bid
Citizen Hardware	$ 3,694.56
Allen Shaw Company	3,742.40

RESOLUTION NO. 72-99 -A RESOLUTION ENDORSING THE RAPID COMPLETION OF THE HIGHWAY CONNECTOR BETWEEN CHUNNS COVE AND I-40 AND THE REQUEST OF COUNCIL THAT THE HIGHWAY COMMISSION REMOVE THE CHARLOTTE STREET EXTENSION PROJECT FROM THE BEAUCATCHER CUT PROJECT AND COMMIT THIS PROJECT TO CONTRACT AT THE EARLIEST POSSIBLE DATE

5. Consideration was given to Resolution No. 72-99, a resolution endorsing the rapid completion of the Highway Connector between Chunns Cove and I-40 and the request of Council that the Highway Commission remove the Charlotte Street extension Project from the Beaucatcher Cut Project and commit this project to contract at the earliest possible date.

CHARLES STREET - REPORT OF CITY MANAGER

11. City Manager Ernest J. Ward reported to Council that Mr. Philip C. Cocke, Director of Public Works had a report concerning a petition for the construction of a cul-de-sac on Charles Street presented at last weeks Council meeting.

Mr. Cocke stated that he would not recommend the construction of a cul-de-sac on Charles Street due to traffic on Charles Street did not justify construction of a cul-de-sac, but the city could build at a minimum cost a "J-Hole" that cars could pull into to turn around.

Mayor Wood directed Mr. Cocke to confer with Mr. Ward, and Assistant City Manager William F. Wolcott the most feasible way to make a turn around on Charles Street.

COUNCILMAN OCHSENREITER

Councilman Ochsenreiter suggested that Council observe a moment of silence for the members of the Israeli Olympic delegation who were victimized by the "unbelievable act of atrocity" and expressed the hope that the Olympic Games would not be diminished because of this.

Councilman Ochsenreiter noted that plans are being executed to honor Miss Mary Montgomery of the U. S. Olympic Team when she returns to Asheville.

Adjournment.

Richard A. Wood, Jr.
MAYOR

William F. Wolcott
CITY CLERK

representatives from the above mentioned groups and individuals, has been established to prepare and review the Workable Program documents and progress over the next two year period. Their role will also include achieving the implementation of the activities to be accomplished during the certification period.

ZONING - RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION REGARDING REZONING OF PROPERTY IN THE GROVE PARK AREA.

9. City Manager Ernest J. Ward, Jr. read a letter of recommendation from the Planning and Zoning Commission recommending that the Zoning Ordinance be amended by deleting the words "parking lots" as a permitted use in Section 3, RA-8 Residential District, Paragraph A, Subparagraph 6 and recommended that the property on Ward 2, Sheet 11, located on Charlotte Street, Evelyn Place, and Murdock Avenue, be rezoned from RA-8 Residential District to RA-10 Residential District.

Mayor Wood called on Nicholas Kmecza, Planning Director, who stated that all residential areas permitted parking lots, which would allow commercial parking lots in residential zones and by deleting the words "parking lots" as a permitted use in the RA-8 Residential District this would prohibit commercial parking lots in all residential zones.

Councilman Colton stated that he would abstain from any vote or discussion on the matter, due to this being the area in which he lives.

Upon motion of Councilman Dailey, seconded by Vice-Mayor Marshall, it was moved that a public hearing, to be scheduled for September 28, 1972, be advertised at the expense of the petitioner. This motion carried unanimously, with Councilman Colton not voting.

SHILOH ROAD - FIRE HYDRANTS - REPORT FROM CITY MANAGER

10. City Manager Ernest J. Ward reported to Council that he had received a letter from Mr. R. R. Buirgy, Water Engineer, concerning a request from last weeks meeting that fire hydrants be put on Shiloh Road. Mr. Ward read the letter which stated that approximately 1,675 feet of 6-inch water line and two fire hydrants would be required to protect the Shiloh Road area. The estimated cost of the materials only for the water line and hydrants is $4,800.00.

Mayor Wood asked that the City Manager look into the matter as to cost and availability of funds and to check with the Planning and Zoning Commission as to the future annexation of this property and to report back to Council at a later date.

Chief P. N. Ball of the Fire Department stated that hydrants are sparsley scattered and that pumpers are used in this area, however hydrants would help.

RESOLUTION APPROVING AMENDMENT TO COOPERATION AGREEMENT FOR THE POLICE AIDES PROJECT OF THE SECOND ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

4. Consideration was given to a resolution approving amendment to cooperation agreement for the Police Aides Project of the Second Action Year Comprehensive City Demonstration Program.

The City Manager read the resolution.

Mr. Logan Delany, Executive Director of the Model Cities Agency, stated that by continuing the Police Aides Advisory Committee to remain active in a monitoring/advisory role for the life of the program, instead of just for the six weeks orientation period, as provided for in the Cooperation Agreement, it would provide better relations between the Community and the Police Department and also insure the strength of the program. Mr. Delany stated that this amendment was initiated by the Crime and Delinquency Task Force.

Chief J. C. Hall of the Police Department stated that he was in favor of the program, however, he was having various problems with the aides and he did not want the Advisory Committee or the Crime and Delinquency Task Force to be a back-up for the aides, if discharging or disciplinary action were necessary. Chief Hall stated that in the cooperation agreement he had agreed to the 6 weeks orientation period with the committee, but the Police Department had rules and regulations to follow and the Police Aides had been informed of these rules and rulations and were expected to follow them. Chief Hall said that it was his understanding that under the Cooperation Agreement, after the 6 weeks orientation period, he would have control of the aides.

After a lengthy discussion, Mayor Wood directed the City Clerk to refer the resolution back to the Model Cities Commission for further clarification by the Commission as to what they envision the continuing monitoring/advisory role of the Advisory Committee to be for the proposed amendment under the terms of the contract.

BIDS- 250 TONS OF ROCK BULK SALT FOR SNOW AND ICE CONTROL

5. Consideration was given to bids received September 8, 1972 for approximately 250 tons of Rock Bulk Salt for snow and ice control.

The City Manager read a letter from Mr. J. R. McMahan, Purchasing Agent, who recommended the bid of International Salt Company, due to the International Salt Company having the contract for the past three years and stated that services from the Company had been good.

The City Manager concurred in the Purchasing Agent's recommendation.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and to award the contract to the International Salt Company in the amount of $15.31 per ton or a total of $3,827.50. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

The tabulation of the bids are as follows:

Approximately 250 tons of Rock Bulk Salt for Snow and Ice Control

Bidder	Price Per Ton	Total Price
Gordy Salt Company	$ 16.80	$ 4,200.00
International Salt Company	15.31	3,827.50
Diamond Crystal Salt Company	15.31	3,827.50
Morton Salt Company	15.31	3,827.50

Thursday - September 14, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Ruben J. Dailey, Corporation Counsel Robert J. Robinson

Absent: Councilman J. W. Hoyle and Assistant City Manager/City Clerk William F. Wolcott, Jr.

1. Approval of minutes of September 7, 1972 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Dailey, the minutes of the September 7, 1972 meeting were approved as submitted.

PUBLIC HEARING - GROUP DEVELOPMENT PLANS - THE ERVIN COMPANY

2. A public hearing was held to consider the approval of two group development plans submitted by The Ervin Company.

The Mayor opened the public hearing at 3:02 o'clock p. m.

The City Manager read the affidavit of publication setting the public hearing for this date at this time.

Mayor Wood called on Alan Lang of the Planning Staff who reported that the Planning and Zoning Commission recommended approval of The Maple Ridge Condominiums Plan, located off Brevard Road on Samoya Road, subject to the developer construct according to recommendations suggested by the Water Department Engineer. Mr. Lang also reported that the Planning and Zoning Commission recommended approval of the Meadows Apartments Plan, located off Leicester Highway, subject to the developer construct according to recommendations suggested by the Water Department Engineer. Mr. Lang stated that the plans were in accordance with recommendations suggested by the Water Department Engineer.

Mr. Jim Rogers from The Ervin Company presented posters on both projects, and stated that the Maple Ridge Condominium Project called for 47 units, and the Meadows Apartments would be built in two phases with each phase having 176 units with a total of 352 units for the two phases.

Mayor Wood closed the public hearing at 3:17 o'clock p. m.

Councilman Ochsenreiter moved to accept the recommendation of the Planning and Zoning Commission and to approve the two group development plans submitted by the Ervin Company. This motion was seconded by Councilman Morris and unanimously adopted.

RESOLUTION RECOMMENDING TRANSFER OF THE NEIGHBORHOOD FACILITIES PROGRAM FROM LUCY HERRING ELEMENTARY SCHOOL TO LIVINGSTON STREET ELEMENTARY SCHOOL.

3. Mayor Wood stated that the resolution had been deleted from the agenda, upon request of the Model Cities Agency due to a technicality in the format of the resolution.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Councilmen Henry E. Colton, J. W. Hoyle, Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Ruben J. Dailey, Corporation Counsel Robert J. Robinson, Assistant City Manager/City Clerk William F. Wolcott, Jr., City Manager Ernest J. Ward, Jr.

Absent: Vice-Mayor Calvin W. Marshall

1. Approval of minutes of September 14, 1972 meeting.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, the minutes of the September 14, 1972 meeting were approved as submitted.

PUBLIC HEARING - DEMOLITION OF DWELLING AT 38 JEFFERSON DRIVE AND BUILDING AT 37-39 MOUNTAIN STREET.

ORDINANCE NO. 749 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THAT DWELLING HOUSE KNOWN AS 38 JEFFERSON DRIVE.

2. A public hearing was held to consider the passing of an ordinance directing the Housing Officer to demolish a dwelling at 38 Jefferson Drive and a building at 37-39 Mountain Street.

The Mayor opened the public hearing at 3:05 o'clock p. m.

The City Manager read the affidavit of publication setting the time and date of the public hearing.

Mr. J. E. Johnson, Housing Officer, described the condition of the dwelling at 38 Jefferson Drive as being partially demolished and unsafe and dangerous. He further stated that there had been no evidence of any work being done toward the final demolition and cleanup. However, he said the owners of the building at 37-39 Mountain Street had obtained a permit to repair this building and were in the process of making these repairs. He said this work was progressing satisfactorily and he would like to request that the building at 37-39 Mountain Street be deleted from the demolition ordinance now under consideration.

On being questioned by Council, Corporation Counsel Robert J. Robinson, advised that if it was determined at a later date that work did not progress satisfactorily, then Council should readvertise for a public hearing and then pass a separate ordinance ordering the demolition.

Mayor Wood closed the public hearing at 3:14 o'clock p. m.

The City Manager advised Council that an Ordinance had been prepared directing the Housing Officer to demolish that dwelling known as 38 Jefferson Drive. Mayor Wood requested that he read the ordinance, after which Councilman Colton moved for its adoption. Councilman Ochsenreiter seconded this motion and on a roll call vote the ordinance passed unanimously on its first reading.

RESOLUTION NO. 72-100 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH A CONSULTANT FOR AN ACCOUSTICAL STUDY OF THE CITY AUDITORIUM

6. Consideration was given to Resolution No. 72-100, a resolution authorizing the City Manager to negotiate a contract with a consultant for an accoustical study of the City Auditorium.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, Resolution No. 72-100 was unanimously adopted.

Complete text of Resolution No. 72-100 will be found in Resolution Book No. 6 at page 260.

PROCLAMATION - CONSTITUTION WEEK - SEPTEMBER 17 - 23, 1972.

7. Mayor Wood proclaimed the week of September 17 - 23, 1972 as Constitution Week in the City of Asheville.

PETITION - REZONING OF PROPERTY ON WHITE PINE DRIVE

8. The City Manager presented a rezoning petition, which requested rezoning of the R. W. Johnson Estate located on Tunnel Road and White Pine Drive from RA-6 to Roadside Business. The petition stated that the lots are no longer suitable for RA-6 uses due to changes which have accrued in the area.

Mayor Wood directed the City Clerk to refer the petition to the Planning and Zoning Commission for study and recommendation.

BAXTER STREET - REPORT OF CITY MANAGER

9. The City Manager informed Council that several weeks ago a request had been made to make an investigation of 11 and 12 Baxter Street and that Mr. J. E. Johnson, Chief Building Inspector had made an investigation of the matter and was in the process of notifying the owners of the situation.

LAKE JULIAN LEASE - REPORT OF CORPORATION COUNSEL

10. Mr. Robert J. Robinson, Corporation Counsel, reported to Council that he had reviewed the Lake Julian Lease, as requested by Council, and found there were no provisions in the lease stating that the City of Asheville must notify the Carolina Power and Light Company of any discontinuing date of the recreation area within any certain time. Mr. Robinson noted that the Carolina Power and Light Company could cancel the lease anytime after they are notified. Mr. Robinson suggested that the City Manager write a letter to the Carolina Power and Light Company notifying them that the City of Asheville would not operate the recreation area at Lake Julian after December 31, 1972.

Mayor Wood directed the City Manager to write the Carolina Power and Light Company notifying them that the City would not operate the recreation area after December 31, 1972.

Adjournment.

Richard L. Wood Jr.
MAYOR

William D. Ballentine
CITY CLERK

The City Manager read the resolution.

Logan Delany, Executive Director of Model Cities Agency, explained to Council that this request to move the Neighborhood Facilities Program from Herring Street School to Livingston Street School was being made because the Livingston Street School location was more centrally located and would serve a greater number of people. He said the building was more suitable for the purpose and since it was in the East Riverside Urban Redevelopment area it would be eligible for matching funds from the City of Asheville and the Asheville Housing Authority, which would permit a larger facility and better services. Mr. Ray Wheeling, Director of the Housing Authority, said that his agency had been in contact with the Model Cities Agency and endorsed the proposed move. Mr. Ray Kisiah, Director of the Parks and Recreation Department, stated that his department would be the delegate agency in the program and would be responsible for much of the activities. He said his advisory board endorsed the joint effort of the various agencies and supported the move.

Mayor Wood pointed out that the school board had declared this property as surplus and monies received from the sale would benefit the school program.

Mr. Lonnie Burton, Director of the Opportunity Corporation, who now occupy the building said that he was aware of the need for the program, which his agency endorsed, but that he was not certain that the building could be converted to a first class facility.

Upon motion of Councilman Dailey, seconded by Councilman Colton, Resolution No. 72-102 was unanimously adopted.

Complete text of Resolution No. 72-102 will be found in Resolution Book No. 6 at page 262.

RESOLUTION NO. 72-103 - RESOLUTION AUTHORIZING AMENDMENT TO COOPERATION AGREEMENT FOR POLICE AIDES PROJECT OF THE SECOND ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

6. Consideration was given to a resolution authorizing amendment to cooperation agreement for Police Aides Project of the Second Action Year Comprehensive City Demonstration Program.

Mayor Wood asked the City Manager to read the original resolution which was considered but not adopted at the September 14, 1972 meeting. He then asked him to read that portion of the alternate resolution, now under consideration, which amended the original resolution.

The City Manager advised Council that he had during the past week been in consultation with all parties concerned and it was his opinion that the original resolution did not intend that the Advisory Committee should have any jurisdiction over the disciplinary of the men assigned to the Police Aides. However, he said this point was clarified in the alternate resolution by the addition of the words "but said committee shall have no advisory or reviewing function with reference to the discipline or discharge of particular participants in said program." He said this would be satisfactory to all concerned.

Mrs. Dicie Jackson, member of Model Cities Commission, voiced her concern over the use of police aides in some hazardous assignments.

ORDINANCE NO. 750 - AN ORDINANCE ADDING SECTION 28-82(36) TO THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE AND AMENDING SECTION 28-84(b) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

3. Consideration was given to an ordinance adding Section 28-82 (36) to the Code of Ordinances of the City of Asheville and amending Section 28-84(b) of the Code of Ordinances of the City of Asheville.

The City Manager read the ordinance which set the speed limits on a portion of Eliada Home Road and deleted the restrictions around David Millard Junior High School.

Councilman Ochsenreiter moved for the adoption of the ordinance. This motion was seconded by Councilman Hoyle and on a roll call vote was carried unanimously on its first reading.

RESOLUTION NO. 72-101 - RESOLUTION APPROVING AN AMENDMENT TO THE ASHEVILLE COMPREHENSIVE CITY DEMONSTRATION PROGRAM BY ADOPTION AND INCLUSION THEREIN OF A NEW PROJECT, ENTITLED SICKLE CELL DISEASE SCREENING PROGRAM AND FURTHER APPROVING THE EXECUTION OF A THIRD PARTY CONTRACT FOR OPERATION THEREIN

4. Consideration was given to a resolution approving an amendment to the Asheville Comprehensive City Demonstration Program by adoption and inclusion therein of a new project, entitled Sickle Cell Disease Screening Program and further approving the execution of a third party contract for operation thereof.

The City Manager read the resolution.

Mr. Logan Delany, Executive Director of the Model Cities Agency, explained to Council that this was a pilot program that was urgently needed in the community. He further stated that the testing would be supervised by the Buncombe County Health Department and the Buncombe County Medical Association; that Sickle Cell Anemia, Inc. would be the operating agency and would be responsible for the disbursement of the $6,000.00 budgeted for this program.

Mrs. Dicie Jackson, a member of the Model Cities Commission, spoke in support of the resolution. She emphasized the severity of the disease and the need for the proposed screening program. She felt that there was a good possibility that in the future more funds would be available so that program could be continued.

Upon motion of Councilman Morris, seconded by Councilman Dailey, Resolution No. 72-101 was unanimously adopted.

Complete text of Resolution No. 72-101 will be found in Resolution Book No. 6 at page 261.

RESOLUTION NO. 72-102 - RESOLUTION APPROVING TRANSFER OF THE NEIGHBORHOOD FACILITIES PROGRAM FROM LUCY HERRING ELEMENTARY SCHOOL TO LIVINGSTON STREET ELEMENTARY SCHOOL.

5. Consideration was given to a resolution approving transfer of the Neighborhood Facilities Program from Lucy Herring Elementary School to Livingston Street Elementary School.

POSITION OF MANAGER OF RECREATION PARK CREATED.

9. The City Manager advised Council that applicants were now being interviewed by the Parks and Recreation Department to fill a newly created position of full time manager of the Recreation Park. He said he would announce the appointment in the near future.

Adjournment.

Richard A Woodruff
MAYOR

William R. Wheatley
CITY CLERK

Councilman Morris moved for the adoption of the alternate resolution. Councilman Ochsenreiter seconded the motion and it carried unanimously.

Complete text of Resolution No. 72-103 will be found in Resolution Book No. 6 at page 264.

SCHEDULING OF PUBLIC HEARING ON REORGANIZATION OF PLANNING AND ZONING COMMISSION

7. Mr. Kmecza, Director of the Planning Department, advised Council that his department had completed the necessary work to provide extra-territorial zoning in the one mile perimeter of the city limits. However, he stated that before this could be implemented the law required that the membership of the Planning and Zoning Commission would have to be revised to provide representation from this area. This he said would have to be done by amending the Zoning Ordinance, the first step being the scheduling of a public hearing concerning this revision.

Mr. Robinson, Corporation Counsel, advised that in accordance with the law October 12, 1972 would be the earliest date that a public hearing could be scheduled.

Councilman Colton moved that the public hearing be scheduled for this date. Councilman Hoyle seconded this motion and it was carried unanimously.

Mayor Wood instructed the City Clerk to advertise the public hearing for October 12, 1972.

RESOLUTION NO. 72-104 - RESOLUTION AUTHORIZING CITY MANAGER TO NEGOTIATE A CONTRACT WITH A CONSULTANT FOR THE PREPARATION OF AN OPERATIONS MANUAL NECESSARY FOR SUBMISSION TO THE FEDERAL AERONAUTICS ADMINISTRATION FOR AIRPORT CERTIFICATION

8. Consideration was given to a resolution authorizing City Manager to negotiate a contract with a consultant for the preparation of an operations manual necessary for submission to the Federal Aeronautics Administration for Airport Certification.

The City Manager advised Council that the FAA is requiring all airports which are served by regularly scheduled certified air lines to conform with FAA Part 139 certification by May, 1973. In order to comply with this requirement Asheville must apply to the FAA no later than November 18, 1972 and the application must be accompanied by an updated airport operations manual. Due to the techinal nature of the manual he said it would be necessary to employ consultants to assist in its preparation. He said that the resolution under consideration would authorize him to negotiate a contract with the consultants in order to accomplish the work.

Councilman Dailey moved for the adoption of the resolution. This motion was seconded by Councilman Ochsenreiter and the resolution carried unanimously.

Complete text of Resolution No. 72-104 will be found in Resolution Book No. 6 at page 265.

162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 210, 216, and 216-1/2 as shown on the Buncombe County Tax Maps.

Mr. Glen Kelly, an attorney, appeared on behalf of the property owners in the affected area. He told Council that the real concern of his clients was the possibility, under the present zoning, that the owner of the property at the corner of Charlotte Street and Edwin Place would construct some type of business on one lot, zoned Neighborhood Trading, using two adjacent lots, zoned Residential, for parking. This he said would encroach on the residential property on Edwin Place and thus deteriorate this whole area. He said once you allow this to begin the creeping action would continue through the entire section unless adequate zoning was established to prevent it. He pointed out the present traffic congestion at the corner of Charlotte Street and Edwin Place and said that further business development would increase this hazard.

Approximately 40 or 50 residents of the area attended the meeting, and the following spoke in favor of both the deletion of the "parking lots" from the zoning ordinance and the rezoning. They gave as their principal reasons the depreciation of property values if a commercial encroachment were to extend into this residential area and the increase in traffic which would be generated by such a commercial enterprise.

Mrs. Landon Roberts	47 Evelyn Place
Mr. Early Lee	127 Edwin Place
Mrs. Alice S. Wicker	69 Edwin Place
Mrs. Talber	354 Kimberly Avenue
Mr. Robert Gelder	74 Edwin Place
Mrs. William Young	103 Edwin Place
Mr. Ray Donahoe	64 Edwin Place
Mr. Nixon	
Mrs. Helen Reed	
Mrs. Sharon Miller	221 Kimberly Avenue
Mr. Robert Baker	42 Edwin Place
Mr. John Acee	63 Macon Avenue
Mr. & Mrs. F. A. Ketterson	21 Edwin Place

Mr. William Morris representing the Trinity Episcopal Church

At the conclusion of their presentations Mr. Kelly requested that in considering the ordinances Council suspend the rules and pass the ordinance on all three readings at this meeting.

Mr. Philip Carson, an attorney representing the owner of the property at the corner of Edwin Place and Charlotte Street, said he agreed in principal with proponents of the proposed rezoning but he did not agree that the proposed methods was the proper vehicle to accomplish it. He argued that to rezone this property to RA-9 would place a large percentage of the property in a non-conforming use. He also stated that to delete parking as a permitted use in the residential zone would also place many businesses in the City in a non-conforming use and perhaps make them unsalable. Further he stated, that since it was his understanding that the entire zoning ordinance was in the process of being re-written, he would like to request that Council withhold action on any changes until the new ordinance is presented.

Thursday - September 28, 1972 - 3:00 o'clock p.m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, J. W. Hoyle, Ralph D. Morris, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilmen Eugene C. Ochsenreiter, Jr., and Ruben J. Dailey

1. Approval of minutes of September 21, 1972 meeting.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall, the minutes of the September 21, 1972 meeting were approved as submitted.

PUBLIC HEARING - AMENDING SECTION 3, RA-8 RESIDENTIAL DISTRICT, PARAGRAPH A, SUBPARAGRAPH 6 OF THE ZONING ORDINANCE BY DELETING THE WORDS "PARKING LOTS" AND THE REZONING OF PROPERTY IN THE CHARLOTTE STREET, EDWIN PLACE, AND EVELYN PLACE AREA

ORDINANCE NO. 751 - AN ORDINANCE AMENDING SECTION 3, RA-8 RESIDENTIAL DISTRICT, PARAGRAPH A, SUBPARAGRAPH 6, OF ORDINANCE NO. 322 OF THE CITY OF ASHEVILLE

ORDINANCE NO. ___ - AN ORDINANCE AMENDING ORDINANCE #322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

2. A public hearing was held to consider amending Section 3, RA-8 Residential District, Paragraph A, Subparagraph 6 of the Zoning Ordinance by deleting the words "Parking Lots" and the rezoning of property in the Charlotte Street, Edwin Place, and Evelyn Place area.

Mayor Wood opened the public hearing at 3:07 o'clock p. m.

The City Manager read the affidavit of publication setting the time and date for the public hearing.

Mr. Knecza, Director of Planning, read a communiciation from the Planning and Zoning Commission which stated that after considering the rezoning petition of residents they recommended the following:

1. The words "parking lots" as a permitted use in Section 3, RA-8 Residential District, Paragraph A., Subparagraph 6. be deleted. (this will by reference remove parking lots as a permitted use in the RA-6, RA-5 and RA-M Residential Districts).

2. The following described property be rezoned from RA-8 Residential District to RA-9 Residential District:

Ward 2, Sheet 11, Lots 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 36-1/2, 37, 38, 39, 40, 41, 42, 43, 46, 46-1/2, 47, 48, 49, 50, 51, 52, 53, 54, 54-1/4, 55, 56, 57, 58, 58-1/4, 59, 62, 63, 64, 65, 66, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 93-1/2, 94, 94-1/4, 95, 96, 97, 98, 99, 100, 101, 102, 154, 154, 156, 157, 160, 161,

ORDINANCE NO. 750 - AN ORDINANCE ADDING SECTION 28-82 (36) TO THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE AND AMENDING SECTION 28-84 (b) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

4. Consideration was given to the second reading of Ordinance No. 750, an ordinance adding Section 28-82 (36) to the Code of Ordinances of the City of Asheville and amending Section 28-84 (b) of the Code of Ordinances of the City of Asheville.

Council was previously furnished copies of the ordinance and on a roll call vote Ordinance No. 750 passed unanimously on its second reading.

RESOLUTION NO. 72-105 - RESOLUTION APPROVING THE EXECUTION OF A THIRD PARTY CONTRACT BETWEEN THE CITY OF ASHEVILLE AND PARKINS, ROGERS AND ASSOCIATES, INC. FOR THE CONDUCT OF A HOUSING STUDY TO DETERMINE FEASIBILITY OF A HOUSING DEVELOPMENT PROGRAM FOR ASHEVILLE MODEL NEIGHBORHOOD AREA OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM

5. Consideration was given to Resolution No. 72-105, a resolution approving the execution of a third party contract between the City of Asheville and Parkins, Rogers and Associates, Inc. for the conduct of a Housing Study to determine feasibility of a Housing Development Program for Asheville Model Neighborhood Area of the Comprehensive City Demonstration Program.

The City Manager read the resolution.

Mr. Logan Delany, Executive Director of Model Cities Agency, commented on the scope of the program.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 72-105 was unanimously adopted.

Complete text of Resolution NO. 72-105 will be found in Resolution Book No. 6 at page 266.

RESOLUTION NO. 72-106 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE AGREEMENT FOR LOCATION OF A DIRECTIONAL SIGNBOARD ON SOUTHERN RAILWAY COMPANY PROPERTY.

6. Consideration was given to Resolution No. 72-106, a resolution authorizing Mayor to execute agreement for location of a directional signboard on Southern Railway Company property.

Upon motion by Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 72-106 was unanimously adopted.

Complete text of Resolution No. 72-106 will be found in Resolution Book No. 6 at page 267.

He said his client had no intention of doing anything with his property on the corner of Charlotte and Edwin Place that would downgrade this area.

When asked by Council what the effect of changing the zoning from RA-8 to RA-9 would have on this area, Mr. Johnson, the building inspector, stated that a certain number of properties would be placed in a non-conforming use. He said there were several homes that had been converted from single family to 2-3 and 4 family occupancy. This he said would not be permitted under RA-9 zoning.

Mayor Wood asked if anyone in the audience had knowledge of more than one family living in a single residence. Several persons indicated that they already had 3 and 4 apartments in their homes at the present time.

Mayor Wood closed the public hearing at 4:08 o'clock p. m.

Mayor Wood requested that the City Manager read the ordinance amending Section 3, RA-8 Residential District, Paragraph A, Subparagraph 6, of Ordinance No. 322 of the City of Asheville, which would delete the words "parking lots" from this section. He also asked him to read the ordinance amending Ordinance No. 322, known as "An Ordinance providing for the Zoning of the City of Asheville" as amended, which would rezone the area in question from RA-8 Residential to RA-9 Residential.

After both ordinances had been read, Councilman Morris moved for the adoption of the ordinance amending Section 3, RA-8 Residential District, Paragraph A, Subparagraph 6, of Ordinance No. 322. This motion was seconded by Councilman Colton.

Councilman Colton commented that he favored the ordinance as it applies to the entire city and not just this one area. He said he couldn't understand how this encroachment situation had been allowed to creep into the zoning ordinance.

On a roll call vote Ordinance No. 751 passed unanimously on its first reading.

Mayor Wood then called for a motion for adoption of the ordinance that would rezone the area from RA-8 Residential to RA-9. Not receiving one he declared that "in the absence of a motion the ordinance does not carry on the first reading."

Mayor Wood recessed Council meeting at 4:35 o'clock and reconvened at 4:44 o'clock p. m.

ORDINANCE NO. 749 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THAT DWELLING KNOWN AS 38 JEFFERSON DRIVE.

3. Consideration was given to the second reading of Ordinance No. 749, an ordinance directing the Housing Officer to demolish that dwelling known as 38 Jefferson Drive.

Council was previously furnished copies of the ordinance and on a roll call vote Ordinance No. 749 passed unanimously on its second reading.

BIDS - 12 MONTHS REQUIREMENTS FOR WATER METERS

10. Consideration was given to bids received September 18, 1972 for an estimated 12 months requirements for water meters.

The City Manager read memorandums from J. R. McMahan, Purchasing Agent, and Walter Tipton, Director of Billing Services, who recommended that the second low bidder, Rockwell Manufacturing Company be awarded the contract for Items 1 through 4 for the bid price of $63,228.00. They also recommended Rockwell Manufacturing Company be awarded the contract for Item A- $924.00 - Item B - $1,906.00 - and Item C - $2,750.00.

Considerable discussion followed in which Council questioned Walter Tipton and Hoffman Glace, supervisor of the Water Meter Shop, as to the merits of the various types of meters and the relative cost. They also heard from Mr. Marion Hough, Southeastern Regional Manager for the Crane Company, who were the low bidders, and Mr. Harold Washburn, Rockwell Manufacturing Company representative. At the conclusion of the discussion, Council agreed to defer action on the matter for one week which would give the City Manager an opportunity to confer with both company representatives involved and to further review the bids.

RESOLUTION NO. 72-108 - RESOLUTION AUTHORIZING CITY MANAGER TO NEGOTIATE AGREEMENT WITH BABER AND WOOD, ARCHITECTS, FOR PREPARATION OF SCHEMATIC DESIGNS WITH RESPECT TO AIR-CONDITIONING WORK ON THE GROUND FLOOR OF THE CIVIC CENTER ARENA BUILDING

11. Consideration was given to Resolution No. 72-108, a resolution authorizing City Manager to negotiate agreement with Baber and Wood, Architects for preparation of schematic designs with respect to air-conditioning work on the ground floor of the Civic Center Arena Building.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 72-108 was unanimously adopted.

Complete text of Resolution No. 72-108 will be found in Resolution Book No. 6 at page 269.

REPORT OF CITY MANAGER ON LAND FILL

The City Manager advised Council that as requested he had made an investigation into the fee charges of solid waste on the City of Asheville's land fill, as it pertained to private citizens hauling their own trash and being charged the same fee as a contractor. He said he was of the opinion that in effect these individuals were assisting the City and should not be charged. He recommended that Council pass the following motion. "That the schedule of fees for the deposit of solid waste on the City of Asheville's landfills, as set forth in Resolution No. 72-70, be suspended, pending further action by Council, for those citizens of Asheville who transport solid waste to the landfills which would normally be picked up by the City's Sanitation Department."

After a discussion Councilman Morris moved to adopt the motion recommended by the City Manager. Vice Mayor Marshall seconded this motion and it carried unanimously.

RESOLUTION NO. 72-107 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THAT BUILDING KNOWN AS 118 STATE STREET

7. Consideration was given to Resolution No. 72-107, a resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish that building known as 118 State Street.

The City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle Resolution No. 72-107 was unanimously adopted.

Complete text of Resolution No. 72-107 will be found in Resolution Book No. 6 at page 268.

SIGN PERMIT - THREE BROTHERS RESTAURANT

8. Consideration was given to a permit for the erection of a sign within 200 feet of the Crosstown Expressway located at the corner of Haywood Street and Montford Avenue.

The City Manager read a memorandum from the Planning Department Staff recommending approval of the sign application.

In the discussion Council questioned whether this would be an additional or replacement sign. Since no one was there representing the applicant this could not be resolved. Councilman Colton then moved that the permit be approved for only one on-site identification sign on the premises, to read " 3 Brothers Restaurant." After further discussion Councilman Colton withdrew his motion in favor of an alternate motion by Councilman Morris, that action be deferred until next weeks meeting, and that the applicant be requested to have someone present at the meeting to represent him. This motion was seconded by Vice Mayor Marshall and unanimously adopted.

BIDS ON TENNIS COURTS - PARKS AND RECREATION DEPARTMENT

9. Consideration was given to bids received on September 19, 1972 for the construction of two tennis courts at Weaver Park.

The City Manager read a memorandum from the Purchasing Agent advising him that two bids had been received. One from Paverite Inc. for $16,509.90 and the other from Vansummer Inc. for $18,477.00. He stated that Paverite Inc. stipulated in their bid that they would not accept as part of the contract a $50.00 penalty clause for failure to construct the courts in a specified time. However, after the bids were opened Paverite, Inc. agreed in writing to accept the $50.00 a day penalty clause.

In lieu of this irregularity the City Manager recommended that all bids be rejected and that the Purchasing Agent readvertise for bids for the construction of the tennis courts and that the $50.00 penalty clause be eliminated.

Councilman Morris moved to accept the City Manager's recommendation. This motion was seconded by Councilman Hoyle and carried unanimously.

Thursday - October 5, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, J. W. Hoyle, Ralph D. Morris, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilmen Eugene C. Ochsenreiter, Jr., and Ruben J. Dailey

1. Approval of minutes of September 28, 1972 meeting.

Upon motion of Councilman Morris, seconded by Councilman Colton the minutes of the September 28, 1972 meeting were approved as submitted.

Mayor Wood announced that Council had received the proposed Model Cities budget for the Third Action Year. He said that it would be scheduled as an item for discussion on the agenda of the October 12, 1972 meeting.

ORDINANCE NO. 749 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THAT DWELLING KNOWN AS 38 JEFFERSON DRIVE

2. Consideration was given to the third and final reading of Ordinance No. 749, an ordinance directing the Housing Officer to demolish that dwelling known as 38 Jefferson Drive.

Council had previously been furnished copies of the ordinance and therefore it was not read in its entirety.

On a roll call vote, Ordinance No. 749 passed unanimously on its third and final reading.

Complete text of Ordinance No. 749 will be found in Ordinance Book No. 5 at page 246.

ORDINANCE NO. 750 - AN ORDINANCE ADDING SECTION 28-82 (36) TO THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE AND AMENDING SECTION 28-84 (b) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

3. Consideration was given to the third and final reading of Ordinance No. 750, an ordinance adding Section 28-82 (36) to the Code of Ordinances of the City of Asheville and amending Section 28-84 (b) of the Code of Ordinances of the City of Asheville.

Council was previously furnished with copies of the ordinance and therefore it was not read in its entirety.

On a roll call vote, Ordinance No. 750 passed unanimously on its third and final reading.

Complete text of Ordinance No. 750 will be found in Ordinance Book No. 5 at page 247.

HOUSING AUTHORITY PETITION FOR REZONING

The City Manager advised Council that he had received a petition from the Housing Authority requesting that certain properties in the East Riverside Urban Redevelopment be rezoned from RA-6 Residential to Institutional.

Mayor Wood instructed the City Clerk to refer the petition to the Planning and Zoning Commission for review and recommendation.

RESOLUTION NO. 72-109 - A RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION

Consideration was given to Resolution No. 72-109, a resolution authorizing Mayor to execute right of way encroachment agreement with the North Carolina State Highway Commission.

The City Manager read the resolution and explained to Council that this right of way was necessary to make the water line tie from the Asheville School Road to the 8" line on Patton Avenue. This being part of the plan to increase the flow and pressure in the Hi-Alta area.

Upon motion by Vice Mayor Marshall, seconded by Councilman Hoyle, Resolution No. 72-108 was unanimously adopted.

Complete text of Resolution No. 72-109 will be found in Resolution Book No. 6 at page 270.

CERTIFICATE OF CONVENIENCE AND NECESSITY FOR JOHN DARITY CAB COMPANY

The City Manager advised Council that he had received a memorandum from Chief of Police J. C. Hall recommending that Certificate of Convenience and Necessity #15 for the John Darity Cab Company be increased from 5 to 8 vehicles. He further advised Council that in accordance with the Code a public hearing without advertisement must be held. He requested that this hearing be held next week. Mayor Wood instructed the City Clerk to schedule the hearing on the matter for October 5, 1972.

REQUEST FOR THE CLOSING OF ALLEY - BILTMORE WARD

Corporation Counsel Robert J. Robinson reported to Council that he had received a request from John Shuford, attorney for T. W. Powers, to close an alley which was platted but never opened in the Biltmore Ward. He advised Council that he would prepare and present the necessary resolution and notice for public hearing for their consideration at the Council meeting on October 5, 1972.

PROCLAMATION - NATIONAL EMPLOY THE HANDICAPPED WEEK - OCTOBER 1 - 7, 1972

Mayor Wood proclaimed the week of October 1 - 7, 1972 as National Employ the Handicapped Week.

PROCLAMATION - HELP INFORMATION REFERRAL WEEK - OCTOBER 1 - 7, 1972

Mayor Wood proclaimed the week of October 1 - 7, 1972 as Help Information Referral Week.

Adjournment.

Richard D. Wood
MAYOR

William A. Roberts, Jr.
CITY CLERK

Mr. Worth Springs, representative of the Crane Company, the low bidder on the 5/8" meters and 1" meters, told Council that he felt his meters were equal to any on the market and accepting the low bid would mean a considerable savings to the city. He stressed the fact that to ignore the low bid would discourage competitive bidding in the future. He answered in the negative when asked if Asheville, at the present time, had any Crane Meters in the system.

Councilman Morris moved that Council accept the recommendations of the City Manager and award the contract on all items to Rockwell Manufacturing Company. This motion was seconded by Councilman Hoyle and carried unanimously.

The tabulation of bids are as follows:

Bid Summary
Bid Request #146 - Estimated 12 months requirements for Water Meters

Bidder	Item 1 - 4	Item A	Item B	Item C
Badger Meter Mfg.	$ 75,105.00	$1,053.19 ea.	$2,107.34 ea.	$3,007.80ea
Crane Company	64,050.00	No Bid	No Bid	No Bid
Hersey-Sparling	64,331.50	924.00 ea.	1,893.00 ea.	2,795.00ea
Neptune Company	68,443.00	1,019.10 ea.	2,018.85 ea.	1,906.00ea
Rockwell Mfg. Company	63,228.00	924.00 ea.	3,115.35 ea.	2,275.00ea

RESOLUTION NO. 72-110 - A RESOLUTION DECLARING THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE AN ADDITIONAL THREE TAXICABS FOR THE JOHN DARITY CAB COMPANY

7. Consideration was given to a resolution declaring that Public Convenience and Necessity require an additional three taxicabs for the John Darity Cab Company.

The City Manager read the resolution and then read a memorandum from Chief of Police J. C. Hall who advised him that he had thoroughly investigated the request and recommended that the Certificate of Convenience and Necessity be issued.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Colton, Resolution No. 72-110 was unanimously adopted.

Complete text of Resolution No. 72-110 will be found in Resolution Book No. 6 at page 271.

BIDS - TWO LEAF LOADERS

8. Consideration was given to bids received October 3, 1972 for two leaf loaders.

The City Manager read a memorandum from the Purchasing Agent who recommended accepting the low bid on Item 1 of $2,140.00, submitted by Porter Brothers, Inc., and accepting the low bid on Item 2 of $2,654.80, submitted by Sanco Corporation. The City Manager concurred in this recommendation.

ORDINANCE NO. 751 - AN ORDINANCE AMENDING SECTION 3, RA-8 RESIDENTIAL DISTRICT, PARAGRAPH A, SUBPARAGRAPH 6, OF ORDINANCE NO. 322 OF THE CITY OF ASHEVILLE

4. Consideration was given to the second reading of Ordinance No. 751, an ordinance amending Section 3, RA-8 Residential District, Paragraph A, Subparagraph 6, of Ordinance No. 322 of the City of Asheville.

On a roll call vote Ordinance No. 751 passed unanimously on its second reading.

Councilman Morris moved that Council suspend the rules and proceed with the third and final reading of Ordinance No. 751. Councilman Colton seconded this motion and on a 5-0 voice vote the motion was adopted.

On a roll call vote, Ordinance No. 751 passed unanimously on the third and final reading.

Complete text of Ordinance No. 751 will be found in Ordinance Book No. 5 at page 248.

SIGN PERMIT - THREE BROTHERS RESTAURANT

5. Consideration was given to the approval of a sign permit for the Three Brothers Restaurant.

Gus Zourzoukis, one of the owners, advised Council that it was their intention to take down the present identification sign and to replace it with the larger sign as shown on the drawing attached to the permit. He said there would only be one sign that would be located in the general location of the present sign.

Vice-Mayor Marshall moved that the application be approved and that the permit be issued. This motion was seconded by Councilman Hoyle and carried unanimously.

BIDS - WATER METERS

6. Consideration was given to the bids received September 18, 1972 for an estimated 12 months requirements for water meters.

This item continued from the September 28th meeting at which time the City Manager was instructed to confer with the principals involved and report back at this meeting. The City Manager advised Council that he had reviewed the bids with the Purchasing Agent and the Director of Billing Services and he still concurred with their original recommendations. This recommendation being to award the contract for Items 1 through Item 4 to the second low bidder, Rockwell Manufacturing Company for $63,228.00, and to also award Rockwell Manufacturing Company the contract for Item A- $ 924.00 each, - Item B- $1,906.00 each, Item C- $2,750.00 each.

Mr. Paul McCullough, representing the third low bidder, Neptune Meter Company, spoke to Council on the merits of his meter and suggested that since the low bid was not recommended and since his company's bid on the 5/8" meter was only a few cents above the Rockwell Manufacturing Company's price, that he would like to request that Council also consider the Neptune meter.

Mayor Wood requested the Corporation Counsel to investigate the question and to give an opinion at the time of the public hearing.

Upon motion of Councilman Colton, seconded by Councilman Morris, Resolution No. 72-111 was unanimously adopted.

Mayor Wood instructed the City Clerk to advertise for the public hearing for November 2, 1972.

Complete text of Resolution No. 72-111 will be found in Resolution Book No. 6 at page 272.

RESOLUTION NO. 72-113 - RESOLUTION APPROVING PARTICIPATION BY LOCAL HOUSING OWNERS IN THE FEDERAL RENT SUPPLEMENT PROGRAM

11. Consideration was given to a resolution approving participation by local housing owners in the Federal Rent Supplement Program.

The City Manager read the resolution.

Upon motion by Councilman Colton, seconded by Councilman Morris, Resolution No. 72-113 was unanimously adopted.

Complete text of Resolution No. 72-113 will be found in Resolution Book No. 6 at page 274.

ADVISORY COMMITTEE ON REVENUE SHARING

Mayor Wood announced that a special advisory committee to the City Council had been formed to make recommendations on the best way to effectively utilize the federal funds anticipated from the revenue sharing bills now before Congress. He said this committee, of which he was authorized as chairman, would be made up of community leaders, elected or appointed city officials and citizen representatives participating in various federal programs. He said that it was anticipated that a series of meetings would be held, with the first being scheduled for Tuesday, October 10, 1972 at 7:30 o'clock p. m. in the City Council Chambers. He said this was an important committee and it was his hope that the recommendations that come out of the study would be of assistance.

PROCLAMATION - NURSES WEEK - October 8 - 14, 1972

Mayor Wood proclaimed the week of October 8 - 14, 1972 as Nurses Week.

PROCLAMATION - FIRE PREVENTION WEEK - October 8 - 14, 1972.

Mayor Wood proclaimed the week of October 8 - 14, 1972 as Fire Prevention Week.

Richard D. Wood, Jr.
MAYOR

William J. Walcott, Jr.
CITY CLERK

Councilman Hoyle moved that the recommendation of the Purchasing Agent and the City Manager be accepted, awarding Porter Brothers the contract in the amount of $2,140.00 for Item 1 and awarding Sanco Corporation the contract for Item 2 in the amount of $2,654.80.

This motion was seconded by Councilman Colton and carried unanimously.

Bid Summary
Bid Request #149 Item # 1 - 1 Vacuum Leaf Loader
Item # 2 - 1 Trailer Mounted Leaf Loader

Bidder	Item 1	Item 2
Porter Brothers	$ 2,140.00	$ 3,095.00
Interstate Equipment	No Bid	3,452.63
Sanco Corporation	2,248.80	2,654.80
Tarrant Mfg.	No Bid	3,591.97
A. E. Finley	No Bid	3,152.00
Western Carolina Tractor	2,369.00	2,894.30

RESOLUTION NO. 72-112 - A RESOLUTION FOR THE CREATION OF THE ASHEVILLE BUNCOMBE CONSOLIDATED WATER DISTRICT UNDER THE METROPOLITAN WATER DISTRICTS ACT OF 1971

9. Consideration was given to a resolution for the creation of the Asheville Buncombe Consolidated Water District under the Metropolitan Water Districts Act of 1971.

The City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Colton, Resolution No. 72-112 was unanimously adopted.

Complete text of Resolution No. 72-112 will be found in Resolution Book No. 6 at page 273.

RESOLUTION NO. 72-111 - A RESOLUTION OF INTENT TO CLOSE ALLEY AND CALLING A PUBLIC HEARING ON THE QUESTION

10. Consideration was given to a resolution of intent to close an alley in the Biltmore Area and calling a public hearing on the question.

The City Manager read the resolution.

Mr. John Shuford, attorney for T. W. Powers, the property owner making the request, identified the property and asked Council for their favorable consideration.

E. R. McCarthy, speaking as an interested citizen, questioned whether or not the property comprising the street right of way to be closed had any value to the city. He felt that the City should benefit from the closing.

Mayor Wood announced that he had anticipated some confusion if Council increased the membership on the commission from 5 to 7 members with full voting rights and then Council decided not to exercise its extraterritorial jurisdiction. He said for this reason he had instructed the Corporation Counsel to prepare two ordinances for consideration. One to increase the membership from 5 to 7 members with the new members voting only on matters pertaining to the extraterritorial area. The alternate ordinance being similiar except that all members would have full voting rights on all matters.

He asked the City Manager to read both ordinances.

Councilman Colton moved for the adoption of the alternate ordinance which would give all members full voting rights. This motion was seconded by Councilman Morris. On a roll call vote Ordinance No. 752 carried by a 6 - 0 vote on its first reading.

Mayor Wood instructed the Corporation Counsel to review the ordinance with reference to the tenure of office of the extraterritorial appointees in case the Council decided not to adopt perimeter zoning. He also asked him to research the use of the words "City Planning Commission" to insure that Council was not changing the name.

BIDS - CIVIC CENTER (BACKSTOPS, BASKETBALL FLOOR, FOOD SERVICE EQUIPMENT AND SEATING)

3. Consideration was given to bids received September 15, 1972 for the backstops, basketball floor, food service equipment and seating for the Asheville Civic Center.

The City Manager read a memorandum from Baber and Wood, Architects, who recommended the following bids be accepted:

Item	Bidder		Bid
Backstops	Sports Mart		$ 4,389.00
Basketball Floor	American Seating		24,925.00
Food Service Equipment	Food Equipment Contract Co.		38,500.00
Seating	American Seating (Consolidated)	$551,307.08	
	+ Alt. #1-A (Non-ribbed for Fixed Arena)	1,679.92	
	+ Carnegie Back for Main Floor Aud.	17,888.00	
			570,875.00
	Total		$ 638,689.00

Mr. Jack Baber, representing his firm, went over the bids in detail and confirmed his recommendation.

Councilman Ochsenreiter moved that Council accept the architects recommendation and that contracts be awarded to the Sports Mart for the backstops for $4,389.00, to the American Seating for the Basketball floor for $24,925.00, to the Food Service Equipment Company for $38,500.00, and to American Seating for the $570,875.00, for a total of $638,689.00

Councilman Morris seconded this motion and it was unanimously adopted.

Thursday - October 12, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, J. W. Hoyle, Ralph D. Morris, Jr. Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilmen Ruben J. Dailey

1. Approval of minutes of the October 5, 1972 meeting.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, the minutes of the October 5, 1972 meeting were approved as submitted.

PUBLIC HEARING - MEMBERSHIP ON THE PLANNING AND ZONING COMMISSION

ORDINANCE NO. 752 - AN ORDINANCE ENLARGING MEMBERSHIP OF THE "CITY PLANNING COMMISSION" FROM FIVE MEMBERS TO SEVEN MEMBERS, AND PROVIDING FOR APPOINTMENT OF THE TWO ADDITIONAL MEMBERS BY BUNCOMBE COUNTY BOARD OF COMMISSIONERS PURSUANT TO N. C. G. S. 160A-362.

2. A public hearing was held to consider an ordinance providing for an increase in the membership on the Planning and Zoning Commission preliminary to the consideration of exercising extraterritorial zoning or subdivision jurisdiction on the perimeter of the City of Asheville.

Mayor Wood opened the public hearing at 3:02 o'clock p. m.

The City Manager read the affidavit of publication which set the time and date for the hearing.

Mr. Kmecza, Planning Director, explained to Council that under the state statutes, before they could exercise jurisdiction over the extraterritorial area, representation on the board would have to be provided. The ordinance before them at the present time increasing the number of members on the Planning and Zoning Commission from 5 to 7 members would provide the vacancies which would be filled by residents from the outside area. Having done this Council could then consider taking the necessary action to exercise extraterritorial zoning jurisdiction. Mr. Kmecza said that if Council decided to take action on the proposed ordinance he would recommend that the new members be given full voting privileges, both on matters inside and outside of the city. A discussion followed on the question of the voting privileges, as well as the action that would have to be taken if Council did not elect to exercise extraterritorial jurisdiction.

At this point in the hearing, Mayor Wood granted Mr. James W. Davis, 64 Springvale Road, permission to interupt the hearing to make a request that the weeds on the right of way of Springvale Road be cleared, and that a street light be erected at the intersection of Springvale Road and Dogwood Lane.

Mayor Wood closed the hearing at 3:17 o'clock p. m.

The City Manager asked that he be given time to look into the parking and cul-de-sac request and report back at the next meeting.

Mayor Wood asked the Corporation Counsel to consult with Mr. Kmecza and Mr. Johnson, the building inspector, to see if he concurs that no zoning ordinances have been violated in respect to the subdividing and construction of the small building off Crockett Avenue.

RECESS

Mayor Wood called for a short recess at 4:20 o'clock p. m. and reconvened the meeting at 4:27 o'clock p. m.

RESOLUTION NO. 72-114 - A RESOLUTION AUTHORIZING MAYOR TO EXECUTE A LEASE WITH THE UNITED STATES OF AMERICA, DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, FOR PROPERTY UPON WHICH TO LOCATE AIR SURVEILLANCE RADAR ANTENNA AT THE ASHEVILLE AIRPORT.

6. Consideration was given to a resolution authorizing Mayor to execute a lease with the United States of America, Department of Transportation, Federal Aviation Administration, for property upon which to locate air surveillance radar antenna at the Asheville Airport.

The City Manager read the resolution.

Upon motion by Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 72-114 was unanimously adopted.

Complete text of Resolution No. 72-114 will be found in Resolution Book No. 6 at page 275.

RESOLUTION NO. 72-115 - A RESOLUTION OF INTENT TO CLOSE A PORTION OF COLLEGE STREET AND COLLEGE PARK PLACE, IN ITS ENTIRETY, AND CALLING A PUBLIC HEARING ON THE QUESTION.

7. Consideration was given to a resolution of intent to close a portion of College Street and College Park Place, in its entirety, and calling a public hearing on the question.

The City Manager read a letter from the Asheville Housing Authority who requested the closing of the two streets. He also read a letter from the Baptist Church who concurred in the request.

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, Resolution No. 72-115 was unanimously adopted.

Mayor Wood instructed the City Clerk to advertise the public hearing for November 9, 1972 and to advise the Baptist Church of Council's action.

Complete text of Resolution No. 72-115 will be found in Resolution Book No. 6 at page 276.

BID - TRAILER MOUNTED LEAF LOADER

4. Reconsideration was given to a bid received October 3, 1972 for (1) trailer mounted leaf loader.

The City Manager read a memorandum from the Purchasing Agent advising him that the Sanco Corporation, after being awarded the contract to furnish a trailer mounted leaf loader for the Sanitary Department, had informed him that they could not meet the specifications. In lieu of this development the Purchasing Agent recommended that the contract be awarded to the next lowest bidder, Western Carolina Tractor and Equipment Company in the amount of $2,894.30.

The City Manager concurred in this recommendation and asked Council to reconsider the bids.

Councilman Morris moved that the action taken by Council on October 5, 1972, awarding Sanco Corporation the contract to furnish the leaf loader at the bid price of $2,654.80, be rescinded and that the next low bidder, Western Carolina Tractor and Equipment Company be awarded the contract in the amount of $2,894.30.

This motion was seconded by Vice-Mayor Marshall and carried unanimously.

REPORT ON PETITION OF REDWOOD FOREST

5. Consideration was given to a report from the Planning and Zoning Commission regarding a petition from residents of Redwood Forest.

The City Manager read a letter from the Planning and Zoning Commission that recommended acceptance of the staff report which they forwarded to City Council for information. The City Manager also read this report.

Mr. Kmecza, Director of the Metropolitan Planning Commission, commenting on the staff report said that the residents of the Redwood Forest development were concerned over the existing and proposed commercial development on U. S. 70 and 74, encroaching on the residential area that lies between. He said that the residents had originally petitioned for rezoning but had withdrawn their petition in favor of requesting increased set backs and buffer zones between the residential and commercial properties and prohibiting commercial access roads into Crockett Avenue and Beechwood Road. He said the staff investigation did not disclose any quick remedies for the concerns of the residential property owners.

Mr. John Ulp, 7 Oakridge Road; Mr. Jack Margaret, 4 Oakridge Road, and Mrs. Ned Morris, 3 Oakridge Road, all residents of the area said that they were concerned with the traffic hazard that would be created if a commercial enterprise were allowed an access off of Crockett Road. They also requested that some attention be given to the construction of a cul-de-sac at the dead end of Crockett Avenue. They said it would eliminate the practice of trucks and private vehicles turning around in private driveways.

In the discussion that followed it was concluded that some of the problems might be solved through the dead restrictions.

Mayor Wood requested that the minutes reflect that the report had been officially received. He said that copies had been delivered to Council earlier in the week and that he thought it was a good report. In summary, he said, it indicates that at some location a parking facility is economically feasible, either by private enterprise or as a public venture.

He said that in recent weeks their had been some discussion regarding free on street parking, but that it did not seem advisable to discuss that issue until this parking study was in hand. He instructed the City Manager to contact Wilbur Smith and Associates and ask for their comments as to the effect free on street parking would have on the Parking Study.

T. P. McCARTHY - REVENUE SHARING

Mr. McCarthy, commenting in regard to the Revenue Sharing Program, asked if the meetings to be held in connection with this program would be open to the public. Mayor Wood advised him that even though he had said that the sub committeee meetings should be "off the record," so that each committee would operate independently without being influenced by the other, that the meetings would be opened to the public as well as the press.

Adjournment.

Richard D. Wood
MAYOR

William S. Holcomb
CITY CLERK

RESOLUTION NO. 72-116 - A RESOLUTION APPROVING EXTENSION OF AGREEMENT WITH TRIANGLE CONSULTANT ASSOCIATES, INC.

8. Consideration was given to a resolution approving extension of agreement with Triangle Consultant Associates, Inc.

The City Manager read the resolution.

Upon motion by Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 72-116 was unanimously adopted.

Complete text of Resolution No. 72-116 will be found in Resolution Book No. 6 at page 277.

MODEL CITIES THIRD ACTION YEAR BUDGET

9. Mayor Wood announced that Council was not in a position to discuss in depth the Model Cities Third Action Year Budget at this meeting. He said he anticipated that a special session with the Model Cities Staff would be necessary before they would be prepared to discuss it at a regular meeting.

PROCLAMATION - VETERANS WEEK - October 23- 29, 1972

Mayor Wood proclaimed the week of October 23-29, 1972 as Veterans Week.

ADVERTISEMENT ON BUSES

Mayor Wood stated that he had received several complaints regarding the political advertisement on the city buses. He asked the City Manager to comment. Mr. Ward advised Council that the advertisement on the buses was under contract to a national firm and any political party could purchase this service.

Councilman Morris suggested that the Asheville Transit Authority be requested to amend the contract to avoid future political advertisement.

The City Clerk was instructed to so advise the Asheville Transit Authority.

PETITION - REZONING

The City Manager presented a petition from Wayne Kinser requesting the rezoning of lots 46 and 47, Ward 6, Sheet 18, from RA-6 Residential to Commercial.

The City Clerk was instructed to refer the petition to the Planning and Zoning Commission for study and recommendation.

CIVIC CENTER PARKING STUDY

The City Manager advised Council that the Civic Center Complex Parking Study, which they authorized Wilbur Smith and Associates to prepare, had been completed and delivered to his office. He presented Mayor Wood with his copy of the report.

Motion to adopt this amendment was made by Councilman Colton, seconded by Councilman Ochsenreiter and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 752, as amended, was carried on its second reading.

REZONING REQUEST - MRS. EDNA L. WHITE

4. Consideration was given to a recommentation of the Planning and Zoning Commission regarding the rezoning of Lots 57 and 58, Sheet 8, Ward 6, from RA-6 Residential to Roadside Business Area.

The City Manager read a recommendation from the Planning and Zoning Commission denying this request.

Mrs. Edna L. White, the petitioner, appeared in her own behalf and requested a public hearing on the petition.

Vice-Mayor Marshall moved that the public hearing be scheduled for November 9, 1972 and that the advertisement be at the petitioner's expense. Councilman Hoyle seconded this motion which was unanimously adopted.

REZONING REQUEST - R. W. JOHNSON, ESTATE

5. Consideration was given to a recommendation of the Planning and Zoning Commission regarding the rezoning request of W. D. Johnson, Trustee to rezone Lots 57 and 58½, Ward 8, Sheet 10, from RA-6 Residential to Roadside Business.

The City Manager read a recommendation from the Planning and Zoning Commission denying the request.

When called, no one appeared in behalf of the petitioner.

Mayor Wood announced that in the absence of a specific request from the petitioner a public hearing would not be scheduled and that the petition was denied.

BIDS - 1000 GPM PUMPER FIRE APPARATUS

6. Consideration was given to bids received October 2, 1972 for (1) 1000 GPM custon built combination pumper fire apparatus.

The City Manager read a memorandum from the Purchasing Agent who submitted a bid summary and his recommendations. He stated that he had received 3 bids on the 1000 GPM pumper and an alternate bid from the Boyce L. Ford Company on a 1250 GPM Pumper. Since the alternate bid on the 1250 GPM pumper was lower than the other two bids on the 1000 GPM apparatus, he recommended accepting the alternate bid. Chief Ball as well as the City Manager concurred with this recommendation.

Councilman Ochsenreiter moved that the alternate bid of the Boyce L. Ford Company be accepted and that this company be awarded the contract in the amount of $31,720.00. Councilman Hoyle seconded this motion which carried unanimously.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin M. Marshall, Councilmen Henry E. Colton, J. W. Hoyle, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Ruben J. Dailey and Ralph D. Morris, Jr.

1. Approval of minutes of the October 12, 1972 meeting.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, the minutes of the October 12, 1972 meeting were approved as submitted.

PUBLIC HEARING - DEMOLITION OF 118 STATE STREET

ORDINANCE NO. 753 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE BUILDING KNOWN AS 118 STATE STREET.

2. Consideration was given to an ordinance directing the Housing Officer to demolish the building known as 118 State Street.

Mayor Wood opened the public hearing at 3:03 o'clock p.m., City Manager read affidavit of publication setting the time and date for the public hearing.

J. E. Johnson, Building Inspector, reported to Council that due process of law had been followed, that he had personally inspected the property and found that the building did not meet the Housing Code or the Zoning Ordinances and that the building was unsafe for human habitation. He further stated that the owner had not made any effort to improve the property.

No one appeared in behalf of the property owner, Mayor Wood closed the public hearing at 3:06 o'clock p.m.

The City Manager read the ordinance, Vice-Mayor Marshall moved for the adoption of the ordinance, which was seconded by Councilman Hoyle and a roll call vote of 5 - 0, Ordinance No. 753 passed on its first reading.

ORDINANCE NO. 752 - AN ORDINANCE ENLARGING THE MEMBERSHIP OF THE "CITY PLANNING COMMISSION" FROM FIVE MEMBERS TO SEVEN MEMBERS, AND PROVIDING FOR APPOINTMENT OF TWO ADDITIONAL MEMBERS BY BUNCOMBE COUNTY BOARD OF COMMISSIONERS PURSUANT TO N.C.G.S. 160A-362.

3. Consideration was given to an ordinance enlarging the membership of the "City Planning Commission" from five members to seven members, and providing for appointment of two additional members by Buncombe County Board of Commissioners pursuant to N.C.G.S 160A-362.

As instructed at the October 12, 1972 meeting, Corporation Counsel Robert J. Robinson presented an amendment to Section 3 of the ordinance, which would provide for the terms of the two newly appointed representatives from the extra-territorial area to terminate on April 30, 1973, if Council did not adopt extra-territorial zoning by that date.

RESOLUTION NO. 72-118 - A RESOLUTION AUTHORIZING SUBMISSION OF THE ASHEVILLE COMPREHENSIVE CITY DEMONSTRATION PROGRAM FOR THE THIRD ACTION YEAR.

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9. Consideration was given to a resolution authorizing Submission of the Asheville Comprehensive City Demonstration Program for the Third Action Year.

Mayor Wood stated that Council has had an opportunity to study the program, individually as well as in conference with the staff of the Model Cities Agency, and were now in a position to consider a resolution authorizing the submission of the program to the Secretary of Housing and Redevelopment for funding.

The City Manager was requested to read the resolution.

Upon motion by Councilman Colton, seconded by Councilman Hoyle, Resolution No. 72-118 was unanimously adopted.

Mayor Wood further stated that with this action Council was approving in principle only the recommendations submitted, these he said would be subject to further review. He said that salaries and personnel changes would be implemented as authorized by the City Manager.

Complete text of Resolution No. 72-118 will be found in Resolution Book 6 at page 279.

RESOLUTION NO. 72-119 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE WITH NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY FOR THE OPERATION BY THE CITY OF ASHEVILLE OF A PARKING LOT ON COXE AVENUE AT THE FORMER LOCATION OF SEARS, ROEBUCK & COMPANY PARKING LOT

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10. Consideration was given to a resolution authorizing the Mayor to execute with Northwestern Mutual Life Insurance Company for the operation by the City of Asheville of a parking lot on Coxe Avenue at the former location of Sears, Roebuck & Company Parking Lot.

The City Manager read the resolution. Corporation Counsel Robert J. Robinson in summarizing the lease stated that the City would operate the parking lot on a month to month basis, dividing the net proceeds 50 - 50 after the deduction of all expenses.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Ochsenreiter, Resolution No. 72-119 was unanimously adopted.

Complete text of Resolution No. 72-119 will be found in Resolution Book 6 at page 280.

RESOLUTION NO. 72-120 - AUTHORIZING EXTENSION OF TIME FOR COMPLETION OF TIMBER SALE CONTRACT WITH GENNETT LUMBER COMPANY.

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11. Consideration was given to a resolution authorizing extension of time for completion of timber sale contract with Gennett Lumber Company.

BID SUMMARY

Bidder	Item 1 - 1000 GPM Pumper	Alt. Bid 1250 GPM Pumper
Boyce L. Ford Company	$30,720.00	$31,720.00
Howe Fire Apparatus Company	$35,682.00	No Bid
WARD - LaFrance Truck Co.	$38,258.00	No Bid

BIDS - TENNIS COURTS - PARKS AND RECREATION DEPARTMENT

8. Consideration was given to bids received on October 11, 1972 for the construction of (2) tennis courts for the Parks and Recreation Department at Weaver Park.

The City Manager read a recommendation from the Purchasing Agent who explained that due to irregularities in the bidding process, this was the third time that bids had been requested. He said he had received bids from Van Sumner, Inc. for $14,899.00 and Paverite, Inc. for $16,509.90. He recommended awarding the contract to the low bidder Van Sumner, Inc. for $14,899.00. The City Manager concurred in this recommendation.

Councilman Colton moved that the low bid be accepted and that Van Sumner, Inc. be awarded the contract in the amount of $14,899.00. Councilman Ochsenreiter seconded this motion which carried unanimously.

RESOLUTION NO. 72-117 - RESOLUTION AUTHORIZING ACCEPTANCE OF A BID FOR THE PRINTING OF THE MODEL CITIES PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT THEREFOR.

8. Consideration was given to a resolution authorizing acceptance of a bid for the printing of the Model Cities Program and authorizing the Mayor to execute a contract therefor.

The City Manager read a memorandum from the Purchasing Agent, who stated that due to irregularities in the bidding process, bids were received on October 6, 1972, and again on October 16, 1972. At the October 16th bidding, two bids were received and the low bid of $1,855.14, plus or minus $10.00 per page, was submitted by Allied Publishers, Inc. He recommended awarding the contract to the low bidder. He said the Model Cities Director concurred in this recommendation. The City Manager also concurred.

At this point Mrs. Nell Stroup and Mr. E.R. McCarthy objected to any action being taken at this time.

Councilman Colton moved for the adoption of the resolution which accepted the low bid submitted by Allied Publishers, Inc. and authorized the Mayor to execute the contract with this firm in the amount of $1,855.14 with the $10.00 plus or minus per page stipulation. Councilman Ochsenreiter seconded this motion which concurred unanimously.

Complete text of Resolution No. 72-117 will be found in Resolution Book No. 6 at page 278.

Mr. Joe Shlenk, a parent of an Asheville High student, called for more rigid disciplinary action by school, city and Police toward the trouble makers.

Mr. James Valentine was opposed to stationing Police officers in the school and thought the students, school officials and city officials should be allowed to work out the difficulties.

Mr. Bill Horton took the opposite approach from Mr. Valentine and suggested that Police officers should be stationed in the school and on the grounds. He also favored rigid steps to avoid future happenings.

Mr. Herman Rector suggested a better identification system to insure that other students and faculty were not on the grounds.

Jim Gray said that it was his experience that the rumorsbeing spread were worse than what had happened and suggested that an information center be extablished. Ken Michalove, Municipal Coordinator, reported that such a rumor control center was being planned at the present time.

Mayor Wood announced that he had just been informed the Judge Lacy Thornburg had signed an injunction that would restrain all persons from interfering with operations of the Asheville public schools and bars all but authorized personnel from school property. It also ordered all students to return to school Monday morning.

Mayor Wood told the audience that "it was a sad day for this community". He said, "you can put policemen in every school and on every street corner, but until blacks and whites learn to live together, the problem is never going to be solved".

Adjournment.

Richard C. Wood Jr.
MAYOR

William E. Metcalf
CITY CLERK

The City Manager read the resolution and explained to Council that due to inclement weather conditions, Gennett Lumber Company was unable to complete their contract for the removal of the timber on the Asheville Watershed and has asked for the contract to be extended until April 30, 1973. He said that he recommended this extension.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Colton, Resolution No. 72-120 was unanimously adopted.

Complete text of Resolution No. 72-120 will be found in Resolution Book No. 6 at page 281.

REPORT FROM CITY MANAGER

The City Manager reported to Council that with reference to the request of James Davis, at last week's meeting, the weeds on the right of way of Springvale Road had been cut and the order for a street light at Springvale Road and Dogwood Lane had been issued.

He said, he had investigated the requests of the Redwood Forest's residents and that no parking signs werebeing erected on Crockett Road from US 70 to Beechwood Avenue. He said that due to insufficient right of way a cul-de-sac could not be constructed at the end of Crockett Road, but that he had imformed the residents that if the right of way could be secured a cul-de-sac would be constructed.

PROCLAMATION - NOVEMBER AS NATIONAL RETARDED CHILDREN'S MONTH

Mayor Wood proclaimed the month of November as National Retarded Children's Month.

PROCLAMATION - OCTOBER 31, 1972 "UNICEF DAY"

Mayor Wood proclaimed October 31, 1972 as "Unicef Day".

SCHOOL PROBLEMS DISCUSSED

A group of concerned parents and citizens appeared before council and commented on the recent school problems that have taken place primaipally at Asheville High School and South Brench Broad Junior High School

Dr. Otis Michael called for group meetings between parents, faculty, students, city officials and other agencies, for discussions on possible solutions. pledgedsupport of parents and groups with which he has been in contact.

Mrs. Nell Stroupe suggested the forming of a "Parents Association for the Protection of Students" to patrol the halls. Mayor Wood said that she would not have his support to sponsor a group of vigiluates to patrol the halls.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, Resolution No. 72-121 was unanimously adopted.

Complete text of Resolution No. 72-121 will be found in Resolution Book No. 6 at page 282.

[illegible] CONTROL INFORMATION CENTER

Jim Gray, 138 Appalachian Way, complimented Ken Michalove and volunteer workers who established and manned the Rumor Control Information Center, during the recent school crisis. He suggested that the workers be thanked by letter.

Mayor Wood expressed his pleasure with the success of this operation and with the staff members and volunteers who assisted. He said it was certainly his intentions to thank each one but that it was planned to do it in some formal manner at a later date.

Adjournment.

Richard A. Wood
MAYOR

William F. Wescott
CITY CLERK

Thursday - October 26, 1972-3:00 o'clock

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, J. W. Hoyle, Ralph D. Morris, Jr., Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilmen Ruben J. Dailey and City Manager Ernest J. Ward, Jr.

1. Approval of minutes of October 19, 1972 meeting.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall, the minutes of the October 19, 1972 meeting were approved as submitted.

ORDINANCE NO. 753 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH BUILDING KNOWN AS 118 STATE STREET

2. Consideration was given to the second reading of Ordinance No. 753, an ordinance directing the Housing Officer to demolish the building known as 118 State Street.

Members of Council were furnished copies of the ordinance, therefore it was not read in its entirety.

On a roll call vote of 6-0, Ordinance No. 753 passed unanimously on its second reading.

ORDINANCE NO. 752- AN ORDINANCE ENLARGING THE MEMBERSHIP OF THE "CITY PLANNING COMMISSION" FROM FIVE MEMBERS TO SEVEN MEMBERS, AND PROVIDING FOR APPOINTMENT OF TWO ADDITIONAL MEMBERS BY BUNCOMBE COUNTY BOARD OF COMMISSIONERS PURSUANT TO N.C.G.S. 160A-362.

3. Consideration was given to the third reading of Ordinance No. 752, an ordinance enlarging the membership of the "City Planning Commission" from five members to seven members, and providing for appointment of two additional members by Buncombe County Board of Commissioners pursuant to N.C.G.S. 160A-362.

Members of Council were furnished copies of the ordinance, therefore it was not re-read in its entirety.

On a roll call vote of 6-0, Ordinance No. 752 was passed unanimously on its third reading.

Complete text of Ordinance No. 752 will be found in Ordinance Book No. 5 at page 249.

RESOLUTION NO. 72-121 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION

4. Consideration was given to a resolution authorizing Mayor to execute right of way encroachment agreement with the North Carolina State Highway Commission.

Mayor Wood closed the public hearing at 3:25 o'clock p. m.

Mayor Wood instructed the Corporation Counsel to prepare the legal documents necessary for the closing of the alley and to give Council an opinion on the legality of charging the property owners for the property he would gain. He further instructed the City Clerk to advise the Tax Collector and Register of Deeds when the alley was closed, to insure that it was picked up for taxes.

ORDINANCE NO. 753 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THE BUILDING KNOWN AS 118 STATE STREET

4. Consideration was given to the third reading of Ordinance No. 753, an ordinance directing the Housing Officer to demolish the building known as 118 State Street.

Mayor Wood announced that Council had been furnished copies of the ordinance and therefore it would not be read again in its entirety.

On a 7-0 roll call vote, Ordinance No. 753 carried on its third and final reading.

Complete text of Ordinance No. 753 will be found in Ordinance Book No. 5 at page 250 .

RESOLUTION NO. 72-123 - A RESOLUTION OF INTENT TO CLOSE PORTION OF UNNAMED STREET AND ALLEY IN THE EAST RIVERSIDE RENEWAL PROJECT.

5. Consideration was given to a resolution of intent to close portion of unnamed street and alley in the East Riverside Renewal Project.

The City Manager read a letter of request from the Asheville Housing Authority stating that the closing was necessary to insure the proper development of Parcel 75. It further stated that the Housing Authority was the owner of all the property abutting on the street.

Upon motion of Councilman Dailey, seconded by Councilman Hoyle, Resolution No. 72-123 was unanimously adopted.

Complete text of Resolution No. 72-123 will be found in Resolution Book No. 6 at page 284 .

RESOLUTION NO. 72-124 - A RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUITCLAIM DEED TO THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF ASHEVILLE, NORTH CAROLINA

6. Consideration was given to a resolution authorizing Mayor to execute quitclaim deed to the Young Men's Christian Association of Asheville, North Carolina.

Mr. Kenneth Lee, an attorney, informed Council that in examining the title of the property known as the Asheland Avenue School, he discovered a lease of record from the Asheville City School Board to the City of Asheville for a term of 50 years. On August 11, 1966 the Young Men's Christian Association petitioned the City to cancel this lease so that they could purchase the property from the

Thursday - November 2, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilman Henry E. Colton, J. W. Hoyle, Ralph D. Morris, Jr., Ruben J. Dailey, Eugene C. Ochsenreiter, Jr.,Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of the October 26, 1972 meeting.

Upon motion of Councilman Colton, seconded by Vice-Mayor Marshall, the minutes of the October 26, 1972 were approved as submitted.

RESOLUTION NO. 72-122 A RESOLUTION OF APPRECIATION

2. Consideration was given to a resolution expressing Council's appreciation to individuals and organizations for services rendered during the recent unrest in the Asheville City Schools.

Mayor Wood read the resolution in its entirety, and upon motion of Councilman Colton, seconded by Councilman Dailey it was unanimously adopted.

The City Clerk was instructed to send copies to the Police Department, Sheriff's Department, State Highway Patrol, City School Board, Community Relations Council, North Carolina Human Relations Commission, Parent Teachers Association and the Citizens Committee for Better Schools.

Complete text of Resolution No. 72-122 will be found in Resolution Book No. 6 at page 283 .

PUBLIC HEARING - CLOSING OF ALLEY OFF HENDERSONVILLE ROAD

3. A public hearing was held to consider the closing of an unnamed alley between Hendersonville Road and Reed Street.

Mayor Wood opened the public hearing at 3:10 o'clock p. m.

The City Manager read the affidavit of publication and a letter of request from Mr. John Shuford, attorney for the petitioner, Mr. T. W. Powers, asking that the alley be closed.

The City Clerk advised Council that Mr. Shelby Horton, attorney for Mr. Frank Austin, had called his office and said that his client owned property abutting on the alley but that he did not oppose the closing.

Mr. E. R. McCarthy speaking on the subject stated that he had no interest in the property but he felt the city should not give the property away. He suggested that the property owners who would benefit from the closing of the alley should pay the city a sum equal to the proportionate value of the rest of the property.

PASSENGER BOARDING FEES AT THE ASHEVILLE AIRPORT - RECOMMENDATION OF THE CITY MANAGER

The City Manager read a prepared recommendation on the subject of proposed passenger boarding fees at the Asheville Airport. He told Council that the airport was operating on a deficit at the present time and now that the U. S. Supreme Court had ruled that such a tax was constitutional, he felt that it was time for Council to consider this as a source of revenue. Based on a projected annual enplaned passenger traffic of 132,000, a $2.00 tax would produce $264,000. He asked Council to give serious consideration to the $2.00 per passenger boarding fee.

No immediate action was taken by Council, but Councilman Morris moved that the City Manager and the Corporation Council be authorized to proceed with the preparation of the documents necessary to the adoption of a passenger boarding fee.

Adjournment.

MAYOR

CITY CLERK

City School Board. He said that the City Council acted on this petition and agreed to cancel the lease. However, he said this was never cancelled of record and the action being considered at this time was necessary to clear the title.

Corporation Counsel Robert J. Robinson furnished Council with a copy of the portion of the August 11, 1966 Council meeting pertaining to this subject. Mayor Wood read into the minutes the motion of Councilman Crouch, seconded by Councilman McRary, that the lease be cancelled provided the YMCA acquired a deed to the property. He instructed the City Clerk to make the minutes of of the August 11, 1966 a part of the present meeting.

Upon motion of Councilman Colton, seconded by Councilman Morris, Resolution No. 72-124 was unanimously adopted.

Complete text of Resolution No. 72-124 will be found in Resolution Book No. 6 at page 285.

PARKING LOT-FORMERLY SEARS ROEBUCK PARKING LOT - REPORT OF CITY MANAGER

The City Manager informed the Council that Mr. Harry Blomberg had contacted him by telephone and requested that he advise Council of his objections to the city operating a parking lot on the Sear's property, in competition to a lot he owns across the street. He said that Mr. Blomberg claimed that his lot was barely making expenses.

Mayor Wood explained that it was the intention of the city to operate the lot on a month to month basis. He said that it was being opened at the request of some of the uptown merchants who expressed a need for additional parking, especially during the Christmas season. He said every effort was being made to keep the parking rates in line with those of other lots in the vicinity.

WESTGATE CORPORATION - REPORT OF CITY MANAGER

The City Manager read a letter he received from Mr. Donald Heet, President of Bon Marche, Inc., who objected to the Westgate Corporation building additional buildings on their site and decreasing the number of parking spaces. He claimed this was in violation to their lease and he felt Council should prevent Westgate from future construction. He said he was bringing this before Council as a matter of record. The City Manager recommended that a copy of the letter be sent to the Asheville Buncombe County Planning Commission.

J. E. Johnson, Building Inspector, informed Council that the Westgate Corporation building plans met the required zoning regulation and that his department could not refuse the building permit. He said that the removal of certain amusement rides would provide the necessary additional parking.

Mayor Wood instructed the City Manager that in replying to Mr. Heet's letter to advise him that it was the opinion of the Corporation Counsel that the terms of his lease were not subject to action by the Council, that the construction in progress was approved under the group development plan, subject to the developer furnishing sufficient parking and that the building inspection department would inspect in this regard.

The City Manager read the affidavit of publication.

Mr. Kenneth Lee, attorney for Mrs. White appeared in her behalf. He presented Council with a petition which outlined in detail the petitioners reasons for requesting the rezoning. In review, Mr. Lee stated that the property did not lend itself to residential development; that most of the adjoining property was either business or commercial; that the petitioner had owned the property and paid taxes on it for 18 years; and that unless it was rezoned she would have very little hope of receiving any return in the future. He said that failure of Council to rezone the property would deny the owner reasonable use of it.

Mr. Kmecza, Planning Director, reported that the Planning and Zoning Commission recommended that the request be denied. He said the reasons for this decision were that Mill Creek forms a natural boundry between the petitioners property and the Roadside Business on Patton Avenue; that Louisiana Avenue with only a 24 foot pavement was too congested for the introduction of commercial uses; that to extend the Roadside Business zone to include these lots would expand commercial activity to Louisiana Avenue, whereas it is presently oriented to Patton Avenue; and that the property in question does not touch the Roadside Business District at any point and to rezone it would be spot zoning.

Mayor Wood closed the public hearing at 3:42 o'clock p. m.

Councilman Colton called attention to similiar requests that had been turned down. He cited Charlotte Street-Edwin Place as one recent example.

Mayor Wood said that he felt the rezoning of several lots east of Mrs. White's property from residential to Roadside Business made matters worse for Mrs. White.

Mayor Wood requested the City Manager to read the prepared ordinance. Vice-Mayor Marshall moved for the adoption which was seconded by Councilman Dailey.

On a roll call vote of 5-2, Ordinance No. 754 was passed on its first reading.

RESOLUTION NO. 72-125 - A RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION

4. Consideration was given to a resolution authorizing Mayor to execute right of way encroachment agreement with the North Carolina State Highway Commission.

The City Manager read the resolution which explained that the encroachment was necessary in order for the city to repair the 6" water main on SR 1348, Pearson's Bridge.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 72-125 was unanimously adopted.

Complete text of Resolution No. 72-125 will be found in Resolution Book No. 6 at page 286.

Thursday - November 9, 1972 - 3:00 o'clock p.m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilman Henry E. Colton, J. W. Hoyle, Ralph D. Morris, Jr., Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of the November 2, 1972 meeting.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall, the minutes of the November 2, 1972 meeting were approved as submitted.

PUBLIC HEARING - CLOSING OF A PORTION OF COLLEGE STREET AND COLLEGE PARK PLACE

2. A public hearing was held to consider the closing of a portion of College Street and College Park Place in the Civic Redevelopment Project.

Mayor Wood opened the public hearing at 3:01 o'clock p. m.

The City Manager read the affidavit of publication and read a letter from the Asheville Housing Authority in which they requested that the streets be closed. They stated that this was in line with the Civic Redevelopment Project Plan and that the Housing Authority owned all the property abutting on the subject streets except a portion on College Park Place owned by the First Baptist Church. They stated that the church approved of the request. A letter from the Board of Deacons of the First Baptist Church indicating their approval was read to Council. The question of utility right of ways was raised and Council was satisfied that adequate right of ways were being provided to accommodate the necessary relocation of water and sewer lines.

Mayor Wood closed the public hearing at 3:10 o'clock p. m.

Councilman Morris moved that the Corporation Counsel be instructed to prepare the documents necessary to the closing of the streets. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

PUBLIC HEARING - REZONING OF PROPERTY ON LOUISIANA AVENUE- MRS. EDNA L. WHITE PROPERTY

ORDINANCE NO. 754 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED.

3. A public hearing was held to consider the rezoning of Lots 57 and 58, Sheet 8, Ward 6, from RA-6 Residential to Roadside Business Area.

Mayor Wood opened the public hearing at 3:12 o'clock p. m.

The City Manager read a recommendation from the Purchasing Agent who stated that bids were received on October 24, 1972 for nine two way radio sets with a 2 watt power source, and that four firms submitted bids. However, after consultation with the various department heads it was determined that the 2 watt power source specified, and on which bids were received, was not sufficient for use of other departments. He therefore recommended that all bids be rejected and that the bid request be re-advertised specifying a 5 watt power source.

The City Manager concurred in this recommendation.

Councilman Morris moved that the City Manager's recommendation be accepted; that the bids be rejected; and that the bid request for 5 watt two way radios be re-advertised. This motion was seconded by Councilman Hoyle and carried unanimously.

FINAL APPROVAL - SUBDIVISION PLANS OF THE MEADOWS APARTMENTS

8. Consideration was given to the approval of the final subdivision plan of the Meadows Apartments located off Leicester Highway.

Mr. Kmecza, Planning Director, advised Council that the final plat had been reviewed for compliance with the City Code and conformed to the preliminary plat approved by the Planning and Zoning Commission, as well as the group development site plan approved by Council on September 14, 1972.

Councilman Ochsenreiter moved to approve the final subdivision plan. This motion was seconded by Councilman Hoyle and carried unanimously.

GROUP DEVELOPMENT PLAN - R. L. COLEMAN PROPERTY ON PATTON AVENUE AT DRUID DRIVE

9. Consideration was given to a recommendation from the Planning and Zoning Commission regarding a group development plan submitted by R. L. Coleman, for a proposed retail store in the group development located on Patton Avenue at Druid Drive.

Mr. Kmecza, Planning Director, advised Council that the Planning and Zoning Commission recommended approval of the plan, subject to certain planting and buffering to be done prior to the issuance of a Certificate of Occupancy.

Councilman Morris moved that the date for the public hearing on the matter be set for December 7, 1972 and that the advertisement be at the petitioners expense. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

REZONING REQUEST - HAZEL MILL ROAD - WAYNE KINSER (AGENT)

10. Consideration was given to a recommendation from the Planning and Zoning Commission that Lots 46 and 47, Sheet 18, Ward 6, be rezoned from RA-6 Residential District to Commercial.

Mr. Kmecza, Planning Director, advised Council that the Planning and Zoning Commission had reviewed the rezoning request and voted unanimously to recommend that lots 46 and 47, Sheet 18, Ward 6, be rezoned from RA-6 Residential to Commercial. He said that on further consideration the Planning and Zoning Commission also recommended that Lots 48, 89, 90, 96, 96-1/4, 97, 98, 99, and 100, Sheet 18, Ward 6, be rezoned from RA-6 Residential District to Institutional District.

RESOLUTION NO. 72-126 - A RESOLUTION OF INTENT TO CLOSE AN UNNAMED ALLEY LOCATED UPON THE PROPERTY OF CITIZENS HARDWARE AND SUPPLY COMPANY, INC.

5. Consideration was given to a resolution of intent to close an unnamed alley located upon the property of Citizens Hardware and Supply Company, Inc.

The City Manager read the resolution which stated that the City of Asheville had received a request from the Citizens Hardware and Supply Company, Inc. to close a public alley located on its property on Merrimon Avenue.

Councilman Morris moved that the City Clerk be instructed to advertise the matter for public hearing on December 14, 1972. The notice to be published once weekly for four weeks at the petitioners expense. This motion was seconded by Councilman Colton and carried unanimously.

Complete text of Resolution No. 72-126 will be found in Resolution Book No. 6 at page 287.

RESOLUTION NO. 72-127 - A RESOLUTION CLOSING UNNAMED STREET OR ALLEYWAY EXTENDING FROM THE EASTERN MARGIN OF HENDERSONVILLE ROAD IN AN EASTERN DIRECTION TO THE WESTERN MARGIN OF REED STREET, AND LOCATED BETWEEN PROPERTIES OWNED BY T. W. POWERS AND FRANK AUSTIN, JR.

6. Consideration was given to a resolution closing unnamed street or alleyway extending from the eastern margin of Hendersonville Road in an eastern direction to the western margin of Reed Street, and located between properties owned by T. W. Powers and Frank Austin, Jr.

The City Manager read the resolution.

Corporation Counsel Robinson was asked by Mayor Wood for his opinion of the legality of charging the property owner for the property that the City would be giving up. Mr. Robinson said that the statutes did not prescribe any means that this could be done. He said that statutes had been followed precisely in the closing of the alley. He further stated that when he filed the order with the Register of Deeds he would also notify the supervisor of the Board of Tax Supervision.

Mr. E. R. McCarthy again suggested to Council that Council establish a precedent by making the petitioners who wish to close alleys pay the City a reasonable sum for the property he would gain.

Councilman Colton pointed out that the taxpayers would receive some benefit since the property would become subject to taxes.

Upon motion of Councilman Dailey, seconded by Vice-Mayor Marshall, Resolution No. 72-127 was unanimously adopted.

Complete text of Resolution No. 72-127 will be found in Resolution Book No. 6 at page 288.

BIDS - NINE TWO WAY RADIOS

7. Consideration was given to bids received October 24, 1972 for nine two way portable radio sets with battery chargers and accessories.

PASSENGER BOARDING FEE - ASHEVILLE AIRPORT - REPORT OF CITY MANAGER

The City Manager advised Council that the Corporation Counsel was preparing an ordinance for their consideration regarding the passenger boarding tax at the Asheville Airport. He said he would make a full report at the next regular meeting.

PROCLAMATION - OPTIMIST INTERNATIONAL YOUTH APPRECIATION WEEK

Mayor Wood proclaimed the week of November 13-19 as National Youth Appreciation Week sponsored by Optimist International.

Adjournment.

Richard A. Wood
MAYOR

William D. Macon, Jr.
CITY CLERK

Councilman Ochsenreiter moved that the public hearing be held on November 30, 1972 and that the advertisement be at the petitioners expense. This motion was seconded by Councilman Morris and carried unanimously.

REZONING REQUEST - McDOWELL STREET AND LIVINGSTON STREET - ASHEVILLE HOUSING AUTHORITY.

11. Consideration was given to a recommendation of the Planning and Zoning Commission regarding a request from the Asheville Housing Authority that Lots 2, 4, 6, 8, 9, 10, 12, and 17, Ward 4, Sheet 11, and Lots 85, 86, 87, 88, 89, and 89-1/2, Ward 4, Sheet 7, be rezoned from RA-5 and Commercial Districts to Institutional District.

Mr. Kmecza, Planning Director, advised Council that the Planning and Zoning Commission recommended that the property be rezoned as requested, with the exception of Lot 9, Sheet 11, Ward 4, which is oriented to residential use.

Councilman Morris moved that the date for a public hearing be advertised for December 14, 1972. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

REZONING REQUEST - HAYWOOD ROAD - THE SALVATION ARMY

12. Consideration was given to a recommendation from the Planning and Zoning Commission regarding a request from The Salvation Army that portion of Lots 110, and 111, Ward 5, Sheet 12, be rezoned from RA-6 Residential District to Business.

The City Manager read the recommendation from the Planning and Zoning Commission that the property remain as it is now zoned.

The City Clerk advised Council that the petitioner had been in touch with his office by telephone and had stated that he would not request a public hearing.

Mayor Wood announced that in the absence of such a request the petition was denied.

PETITION - REGARDING RECENT DISTURBANCES IN CITY SCHOOLS.

Mr. Curtis Hines, 15 Edgedale Road, presented Council with copies of a petition, the original he said would be presented to the Asheville School Board, recommending that certain steps be taken to insure a permanent and lasting solution to the recent unrest in the Asheville City Schools.

Mayor Wood instructed the City Clerk to let the minutes reflect that Council accepted the petitions.

CERTIFICATE OF CONVENIENCE AND NECESSITY - JIM'S CAB COMPANY- REPORT OF CITY MANAGER

The City Manager gave notice to Council that at next weeks meeting, he would present a resolution for their consideration, regarding the issuance of a Certificate of Convenience and Necessity to Jim's Cab Company which would authorize them to operate 5 cabs in the City of Asheville.

Thursday - November 16, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilman Henry E. Colton, J. W. Hoyle, Ralph D. Morris, Jr., Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of November 9, 1972 meeting and the special meeting of November 14, 1972.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, the minutes of the November 9, 1972 meeting and the special meeting of November 14, 1972 were approved as submitted.

ORDINANCE NO. 754 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED.

2. Consideration was given to the second reading of Ordinance No. 754, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended.

Before asking for the vote on the second reading, Mayor Wood opened the meeting for discussion.

Mrs. Robert Kirby, 122 Louisiana Avenue, presented a petition signed by approximately 20 individuals, protesting the rezoning. She objected strongly to business creeping into the residential area.

Kenneth Lee, attorney for Mrs. White, said he had very little to add to what he had said at the previous public hearing, except to repeat that the property was of little value as residential property.

The City Manager reported that as of November 15, 1972 the traffic count on Louisiana Avenue showed a volume of 9,163 vehicles in a 24 hour period. Also, the latest count furnished by the State Highway Commission showed a ADT of 33,800 on Patton Avenue near Louisiana Avenue.

Mrs. C. M. Haynie spoke briefly in opposition to the rezoning.

Mr. Robert Kirby, 122 Louisiana Avenue, who also opposed the rezoning said that at times the traffic would be backed-up beyond the alley adjacent to the property in question.

On a roll call vote of 4-2 Ordinance No. 754 passed on its second reading.

CLOSING OF A PORTION OF COLLEGE STREET AND COLLEGE PARK PLACE

3. Consideration was given to an order in the form of a resolution to close a portion of College Street and College Park Place.

Tuesday - November 14, 1972- 4:00 o'clock p. m.

Special Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilman Henry E. Colton, J. W. Hoyle, Ralph D. Morris, Jr., Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

Mayor Wood called the meeting to order and asked the City Clerk to read the notice calling for the special meeting. This notice, published in the Asheville Times on Monday, November 13, 1972, stated that the purpose of the special meeting was to give Council an opportunity to consider changing the date of a public hearing, relative to the R. L. Coleman Company Group Development Plan, from December 7, 1972 to November 30, 1972.

Mr. Richard L. Coleman, Jr., representing the R. L. Coleman Company, advised Council that his company had contracted to consstruct a building on the property under consideration. He said the completion date for this building had been set for the middle of February and in order to meet this commitment he would need all the time he could get. For this reason he was requesting that the date for the public hearing be changed from December 7, 1972 to November 30, 1972.

Councilman Colton moved that the date for the public hearing on the R. L. Coleman Group Development be changed from December 7, 1972 to November 30, 1972. This motion was seconded by Councilman Ochsenreiter and carried unanimously. It was agreed that the expense of the advertisement would be at the expense of the R. L. Coleman Company.

Mayor Wood informed Council that he had a request from the Asheville Merchants Association, that they be allowed to mask the parking meters and give their customers free parking on November 24th and 25th, the Friday and Saturday after Thanksgiving. He said he was aware that no formal action could be taken until Thursdays regular meeting, but he asked if anyone had any objections to his advising the Merchants Association that they could expect approval at that time. He said this would give the merchants a few extra days to proceed with their advertising program.

No other matters were taken up and Mayor Wood declared the meeting adjourned.

Richard A. Wood, Jr.
MAYOR

William F. Wolcott, Jr.
CITY CLERK

REQUEST OF ASHEVILLE MERCHANTS ASSOCIATION - COURTESY DAY PARKING

6. Consideration was given to a request of the Asheville Merchants Association that the City extend Courtesy Day on parking meters in the Central Asheville area; Friday and Saturday, November 24th and November 25th for the After Thanksgiving Sale.

Councilman Colton moved to approve the request. This motion was seconded by Councilman Hoyle and carried unanimously.

The City Clerk was instructed to advise the Merchants Association by letter.

RESOLUTION NO. 72-129 - A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO APPRAISAL AGREEMENTS.

7. Consideration was given to a resolution authorizing the Mayor to enter into appraisal agreements with Alan Butterworth and Oliver Hoover for the professional appraisal of Livingston Street Elementary School, preliminary to the purchase of this property for the site of a multi-purpose Neighborhood Facility.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Dailey, Resolution No. 72-129 was unanimously adopted.

Complete text of Resolution No. 72-129 will be found in Resolution Book No. 6 at page 290.

CITY MANAGER - REPORT ON IMPROVEMENTS AT AIRPORT

8. The City Manager reported that he had met with the Region B Planning Commission in which the improvements to the Asheville Airport was brought up for discussion. He said it was proposed that the 4.5 million dollar improvement program, previously submitted, could be financed by 50% of FAA funds, 1.3 million dollars by Appalachian Regional Commission funds and approximately $900,000 local funds. He said that there is now available about 3 million dollars in Appalachian funds for airport improvements, however, individual applications are restricted to not more than $2 million dollars. The Region B Planning Commission feels that this is the best opportunity the City would have to be approved for these funds and that it would only be available no longer than it would take to prepare an application and present it for approval. The local funds, as well as the project application being a matter for Council to take under consideration. He said in discussing the local funding he would also like to report his meeting the past week with representatives of Piedmont, United and Delta Air Lines regarding the passenger boarding tax that he proposed at the last meeting. He said the airline spokesman informed him that according to the airline leases the City would be restricted from imposing this tax. He said he has consulted the Corporation Counsel on the matter and asked Mr. Robinson to give Council his opinion. Mr. Robinson said that the airlines leases did contain a paragraph that would prohibit the boarding tax and he suggested negotiating with the airlines in view of their waiving this restriction. The City Manager said that his recommendation on the airport improvements hinged on being able to fund the project with the passenger boarding tax.

Councilman Morris pointed out that the entire $900,000 did not necessarily have to come from the city but that the regional counties could be asked to participate.

Mr. Philip Cocke, Director of Public Works, informed Council that he had been advised by the Division Engineer of the North Carolina State Highway Commission, that serious consideration was being given to a plan to extend Woodfin Street up College Park Place, crossing the proposed Charlotte Street extension and tieing into N. C. 694 at Pine Street. He said if this plan materialized the right of way of College Park Place would be needed for the proposed new street. He asked Council to defer action on the closing of College Park Place until a definite decision can be obtained from the Highway Commission.

Councilman Morris moved that any consideration of closing College Street and College Park Place be tabled. This motion was seconded by Councilman Hoyle and carried unanimously.

RESOLUTION NO. 72-128 - RESOLUTION AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO JIMS' COUNTY CAB COMPANY

4. Consideration was given to a resolution authorizing the City Manager to issue a Certificate of Convenience and Necessity to Jims' County Cab Company.

The City Manager read the resolution as well as a memorandum from Chief of Police J. C. Hall who advised him that the Police Department had investigated the request of Jims' County Cab Company and recommended approval.

Councilman Morris moved for the adoption of the resolution. Councilman Dailey seconded this motion and it was carried unanimously.

Complete text of Resolution No. 72-128 will be found in Resolution Book No. 6 at page 289.

BIDS - BASKETBALL UNIFORMS FOR THE MODEL NEIGHBORHOOD RECREATIONAL PROGRAM

5. Consideration was given to bids received November 10, 1972 for basketball uniforms for the Model Neighborhood Recreation Program.

The City Manager read a memorandum from the Purchasing Agent recommending the acceptance of the low bid of $8,553.58 to the Superior Sports Supply, Inc. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Bid Summary - Bid Request No. 154 - Basketball Uniforms

	Asheville Army Store	Superior Sports Supply	Sports Mart
Item 1 288 Boys Uniforms	$ 2,887.37	$ 2,097.24	$ 3,279.74
Item 2 504 Mens Uniforms	5,493.20	4,360.60	5,739.55
Item 3 72 Junior Girls Uniforms	212.66	1,047.87	1,418.97
Item 4 72 Midget Girls Uniforms	212.66	1,047.87	1,418.97
TOTAL	$ 8,805.89	$ 8,553.58	$10,671.51

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilman Henry E. Colton, J. W. Hoyle, Ralph D. Morris, Jr., Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of November 16, 1972 meeting.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, the minutes of the November 16, 1972 meeting were approved as submitted.

PUBLIC HEARING - FINAL APPROVAL - SITE PLAN OF R. L. COLEMAN

2. A public hearing was held to consider the final approval of the site plan of Richard L. Coleman showing a proposed retail store in the group development located on Patton Avenue at Druid Drive.

Mayor Wood opened the public hearing at 3:02 o'clock p. m.

The City Manager read the affidavit of publication.

Alan Lang, of the Planning Department, reported that the Planning and Zoning Commission had reviewed the plan and recommended that it be approved, provided certain seeding and tree planting be accomplished as shown on the plan.

Mayor Wood opened the hearing to comments both for and against the proposal and not receiving either he closed the public hearing at 3:06 o'clock p. m.

Councilman Ochsenreiter moved that the group development plan be approved subject to the buffering conditions as shown on the plan.

Councilman Hoyle seconded this motion, and it carried unanimously.

PUBLIC HEARING - REZONING REQUEST OF WAYNE KINSER ON HAZEL MILL ROAD

3. A public hearing was held to consider the rezoning request of Wayne Kinser to rezone certain lots on Hazel Mill Road.

Mayor Wood opened the public hearing at 3:08 o'clock p. m.

Alan Lang of the Planning Department, read the report from the Planning and Zoning Commission who recommended that Lots 46 and 47, Sheet 18, Ward 6 be rezoned RA-6 Residential District to Commercial. This recommendation reversed the recommendation of the Planning Staff that the rezoning be denied. Further the Planning and Zoning Commission recommended that Lots 48, 89, 90, 96, 96-1/4, 97, 98, 99, and 100, Sheet 18, Ward 6, be rezoned from RA-6 Residential District to Industrial District. This property lying adjacent to the first lots. This was in accordance with the planning staff recommendations. Mayor Wood asked for comments from the public and receiving none he closed the public hearing at 3:16 o'clock p. m.

Councilman Colton also commented along this line and said the time had come when other governmental units in the region should help support the airport.

Councilman Ochsenreiter concurred and suggested that some effort be made to solicit help from other units of government in the region.

The City Manager was instructed to contact the airlines and the Region B Planning Commission in pursuing the passenger boarding tax possibilities.

RESOLUTION NO. 72-130 - A RESOLUTION APPOINTING MEMBER OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL

Consideration was given to a resolution appointing Osborne M. Hart, 148 Blanton Street, to a three year term on the Asheville Board of Alcoholic Control.

The City Manager read the resolution.

Upon motion of Councilman Dailey, seconded by Councilman Ochsenreiter, Resolution No. 72-130 was unanimously adopted.

Complete text of Resolution No. 72-130 will be found in Resolution Book No. 6 at page 291 .

REGULAR MEETING CANCELLED FOR NOVEMBER 23, 1972

Mayor Wood announced that there would not be a regular Council meeting on November 23, 1972, Thanksgiving Day.

REPORT OF CORPORATION COUNSEL ON OTEEN ANNEXATION LAWSUIT

Corporation Counsel Robert J. Robinson reported that the lawsuit pertaining to the Oteen Annexation has been heard, that the judgment was in favor of the city and that the time for appeal had expired.

PETITION - CONCERNED PARENTS FOR BETTER, SAFER SCHOOLS

Mr. Bill Horton, Chairman of an organization known as "Concerned Parents for Better, Safer Schools" appeared before Council and informed them that his organization was formed to take some positive community action to insure that education process in the city schools would go unhindered and that a similiar outburst that occurred the week of October 16 would not occur again.

He distributed to Council copies of a petition that his organization had prepared for presentation to the Asheville City School Board.

Mayor Wood acknowledged receipt of the petition and thanked Mr. Horton for his interest.

FRENCH BROAD RIVER - RECREATIONAL USE

At the suggestion of Councilman Colton, the City Clerk was directed to ask the Parks and Recreation Advisory Board to study means of cleaning up and making the best recreational use of the French Broad River, and to coordinate the study with one being done by the four-county Region B Planning and Development Commission.

Adjournment

MAYOR Richard A. Wood, Jr.

William J. Maccarelli

CITY CLERK

The City Manager read the resolution.

Kenneth Michalove, Municipal Coordinator, explained that this was a program conducted by Western Carolina University to give on the job instructions to approximately 23 persons now in employment as day care aides. He said the project would cost between $5,000 and $6,000 to come from a federal grant under the Public Service Careers Program.

Councilman Morris moved for the adoption of the resolution, Councilman Hoyle seconded his motion and it was carried unanimously.

Complete text of Resolution No. 72-132 will be found in Resolution Book No. 6 at page 293.

RESOLUTION NO. 72-133 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES LISTED.

7. Consideration was given to a resolution calling for a public hearing before the adoption of an ordinance directing the Housing Officer to demolish certain dwelling houses known as 15 Green Street, 176 S. Liberty Street, 53 Short Morrow Street, 55 Short Morrow Street and 17 Trade Street.

The City Manager read the resolution.

Councilman Colton moved for the adoption of the resolution setting the date for the public hearing for January 4, 1973. Councilman Morris seconded the motion and it was carried unanimously.

Complete text of Resolution No. 72-133 will be found in Resolution Book No. 6 at page 294.

RESOLUTION NO. 72-134 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH CHESTERFIELD PROPERTIES, INC. CONCERNING WATER MAINS EXTENDING WESTERLY FROM FAIRMONT ROAD ALONG JUSTICE RIDGE ROAD TO SERVE CHESTERFIELD PROPERTIES SUBDIVISION, UPPER HOMINY TOWNSHIP, BUNCOMBE COUNTY.

8. Consideration was given to a resolution authorizing the Mayor to enter into agreement with Chesterfield Properties, Inc. concerning water mains extending westerly from Fairmont Road along Justice Ridge Road to serve Chesterfield Properties Subdivision, Upper Hominy Township, Buncombe County,

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Vice-Mayor Marshall, Resolution No. 72-134 was unanimously adopted.

Complete text of Resolution No. 72-134 will be found in Resolution Book No. 6 page 295.

RESOLUTION NO. 72-135 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION

9. Consideration was given to a resolution authorizing the Mayor to execute right of way encroachment agreement with the North Carolina State Highway Commission.

The City Manager on request read the prepared rezoning ordinance.

In the discussion, Councilman Colton observed that this was one of the zoning cases on which the staff and the Planning and Zoning Commission disagreed. He said that Council had not yet received the minutes of the agency's meeting and therefore did not have sufficient information to take action at this time. He moved to defer action on the first reading of the ordinance until the next meeting. Councilman Ochsenreiter seconded this motion and it carried unanimously.

Mayor Wood instructed the City Clerk to notify all petitioners in the future, that when a public hearing is to be held, the petitioner or his agent must be present for the hearing or Council will drop the matter.

ORDINANCE NO. 754 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Mrs. Edna White - Louisiana Avenue.)

4. Consideration was given to the third reading of Ordinance No. 754, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, " as amended. (Mrs. Edna L. White - Louisiana Avenue).

Councilman Ochsenreiter commented that it was his opinion that the professional staff was better qualified to evaluate and determine the effect of the rezoning of this property to the overall zoning picture. In lieu of their recommendation to deny the request he felt Council should give their recommendation due consideration.

Councilman Morris commented that in the zoning process some method should be devised to buffer residential property from commercial.

On a roll call vote of 4 - 3, Ordinance No. 754 passed on its third and final reading.

Complete text of Ordinance No. 754 will be found in Ordinance Book No. 5 at page 251.

RESOLUTION NO. 72-131 - RESOLUTION APPOINTING MEMBERS TO THE BOARD OF DIRECTORS OF THE ASHEVILLE BUNCOMBE COMMUNITY RELATIONS COUNCIL

5. Consideration was given to a resolution appointing members to the Board of Directors of the Asheville Buncombe Community Relations Council. (Richard Frankel and George Gragg)

The City Manager read the resolution.

Upon motion of Councilman Dailey, seconded by Vice-Mayor Marshall, Resolution No. 72-131 was unanimously adopted.

Complete text of Resolution No. 72-131 will be found in Resolution Book No. 6 at page 292.

RESOLUTION NO. 72-132 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO AN AGREEMENT WITH WESTERN CAROLINA UNIVERSITY AND THE BUNCOMBE COUNTY DEPARTMENT OF SOCIAL SERVICES FOR PUBLIC SERVICE CAREERS TRAINING.

6. Consideration was given to a resolution of agreement between the City of Asheville, Buncombe County Department of Social Services and Western Carolina University.

ASHEVILLE AIRPORT - PASSENGER BOARDING TAX

The City Manager advised Council that he had nothing to report relative to the passenger boarding tax at the Asheville Airport.

Adjournment.

Richard D. Woodfin
MAYOR

William D. Holcombe
CITY CLERK

The City Manager read the resolution.

Upon motion of Councilman Dailey, seconded by Councilman Hoyle, Resolution No. 72-135 was unanimously adopted.

Complete text of Resolution No. 72-135 will be found in Resolution Book No. 6 at page 296.

RESOLUTION NO. 72-136 - RESOLUTION AUTHORIZING CONTRIBUTION TO THE REGION B PLANNING AND ECONOMIC DEVELOPMENT COMMISSION.

10. Consideration was given to a resolution authorizing contribution to the Region B Planning and Economic Development Commission.

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Colton, Resolution No. 72-136 was unanimously adopted.

Complete text of Resolution No. 72-136 will be found in Resolution Book No. 6 at page 297.

COMPLAINT - MRS. JAMES SMITH - AUTOMOBILE STORAGE LOT - ASHELAND AVENUE AND MORGAN AVENUE

Mrs. James Smith, 178 South Ann Street voiced a complaint to Council on the commercial development of an automobile storage lot at the corner of Asheland and Morgan Avenues. She said that Monteath's Wrecker Service hauled cars in night and day which disturbed the neighboring residents.

J. E. Johnson, Building Inspector, said the lot was zoned commercial and the use conforms to the requirements for a commercial zone. He said it was his understanding that the East Riverside Renewal Agency intended to acquire this piece of property and request that it be rezoned to residential.

Mayor Wood suggested that the City Clerk be instructed to ask the Housing Authority for a timetable on acquiring this and other property in the East Riverside project. Councilman Colton suggested that the Housing Authority be urged to expedite its acquisition of land purchases. Councilman Dailey concurred with Councilman Colton's suggestion that the land acquisition should be stepped up.

Mayor Wood instructed the City Clerk to ask Mr. Ray Wheeling, Asheville Housing Authority's executive director, to attend next week's meeting to discuss the status of the East Riverside Urban Renewal plan, to include the timetable for acquisition of certain properties in the area.

PETITION - REZONING ON BEAVERDAM ROAD

The City Manager presented a petition signed by C. W. Sluder and Julia Mae Sluder requesting rezoning of Lot 29-3/4, Sheet 4, Ward 9, from Residential to Neighborhood Trading.

Mayor Wood instructed the City Clerk to refer the petition to the Planning and Zoning Commission for study and recommendation.

Alan Lang of the Planning Staff, explained to Council that the original petition requested that the property be rezoned Commercial, but that an industrial zoning is more appropriate to the land use. He said for this reason the recommendation to Council from the Planning and Zoning Commission was that the zoning be changed from RA-6 Residential to Industrial. When asked by Councilman Colton if the City was obligated to provide adequate services to the area to meet the industrial zoning, Mr. Lang replied that the Planning Staff did feel that services should be provided even though it was not legally required.

Mr. Wayne Kinser, the petitioner, told Council that he did not require the extension of any city services and that he was satified with the change from Commercial to Industrial zoning.

Mayor Wood pointed out that in the same ordinance Council would be considering the rezoning of the Violet Hill Cemetery property from RA-6 Residential to Institutional, Ward 6, Sheet 18, Lots 48, 89, 90, 96, 96-1/4, 97, 98, 99, and 100.

The City Manager read the ordinance.

Councilman Ochsenreiter moved for its adoption, which was seconded by Councilman Hoyle. On a roll call vote, Ordinance No. 755 was unanimously passed on its first reading.

FINAL APPROVAL - SUBDIVISION PLAT - MAPLE RIDGE CONDOMINIUMS

4. Consideration was given to the approval of the final subdivision plat of the Maple Ridge Condominiums located on Brevard Road and Samoyos Road.

The City Manager read a letter from the Director of the Planning Department advising Council that final plat had been reviewed for compliance with the City Code and that it conformed to the preliminary plat approved by the Planning and Zoning Commission as well as the group development site plat approved by City Council.

In reviewing the plat, Council was concerned with the responsibility for maintenance of two small triangular areas within the right of way easements. Mayor Wood said that in the past that similiar small areas have been in time abandoned by the developers and that the city ends up maintaining these areas. He said if possible he would like to prevent this in the future. After some discussion, Councilman Morris moved that the final plat of the Maple Ridge Condominium be approved, subject to the map being amended to show that the triangular areas within the utility easement be maintained by the developer. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

RESOLUTION NO. 72-138 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY AGREEMENT WITH CAROLINA POWER AND LIGHT COMPANY TO PROVIDE ELECTRICITY TO AIR SURVEILLANCE RADAR AT THE ASHEVILLE AIRPORT

5. Consideration was given to a resolution authorizing Mayor to execute right of way agreement with Carolina Power and Light Company to provide electricity to air surveillance radar at the Asheville Airport.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 72-138 was unanimously adopted.

Complete text of Resolution No. 72-138 will be found in Resolution Book No. 6 at page 299.

Thursday, December 7, 1972 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilman Henry E. Colton, J. W. Hoyle, Ralph D. Morris, Jr., Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of November 30, 1972 meeting.

Upon motion of Councilman Hoyle, seconded by Councilman Ochsenreiter, the minutes of the November 30, 1972 meeting were approved as submitted.

PUBLIC HEARING AND RESOLUTION NO. 72-137- RESOLUTION TO CLOSE AN UN-NAMED STREET ~~AND ALLEY IN THE EAST RIVERSIDE~~ RENEWAL PROJECT N. C. R-48

2. A public hearing was held to consider the closing of an un-named street or alley in the East Riverside Renewal Project.

Mayor Wood opened the public hearing at 3:05 o'clock p. m.

City Manager read the affidavit of publication setting the time and date for the public hearing.

Ray Wheeling, Executive Director of the Asheville Housing Authority, appeared in behalf of the Housing Authority and stated that the authority owned all the property adjacent to the street and that the closing was in accordance with the renewal plan.

Mayor Wood receiving no objection to the request closed the hearing at 3:10 o'clock p. m.

The City Manager read the resolution ordering the closing of the street.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 72-137 was unanimously adopted.

Complete text of Resolution No. 72-137 will be found in Resolution Book No. 6 at page 298.

ORDINANCE NO. 755- AN ORDINANCE AMENDING ORDINANCE NO. 332, KNOWN AS " AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Hazel Mill Road)

3. Consideration was given to an ordinance relative to the rezoning of Lots 46 and 47, Ward 6, Sheet 18, located on Hazel Mill Road, from RA-6 Residential to Commercial, which was deferred at the November 30, 1972 meeting.

Upon motion by Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 72-140 was unanimously adopted.

Complete text of Resolution No. 72-140 will be found in Resolution Book No. 6 at page 301.

RESOLUTION NO. 72-141 - RESOLUTION ESTABLISHING A TRUST FUND TO ACCOUNT FOR FUNDS RECEIVED UNDER THE STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972.

9. Consideration was given to Resolution No. 72-131, a resolution establishing a trust fund to account for funds received under the State and Local Fiscal Assistance Act of 1972.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, Resolution No. 72-141 was unanimously adopted.

Complete text of Resolution No. 72-141 will be found in Resolution Book No. 6 at page 302.

REPORT- ASHEVILLE HOUSING AUTHORITY - MONTEATH PROPERTY ON ASHELAND AVENUE

10. Mr. Ray Wheeling, Director of the Asheville Housing Authority, reported to Council that the Monteath property on Asheland Avenue under the original renewal plan was scheduled for acquisition. He said that under the amendment now being prepared it would be set up and zoned as commercial property as this appears the best use for all the property in this area. However, he said, several attempts have already been made to acquire this particular piece of property, but without success, and if it is acquired it would probably have to be done by condemnation. Under the original plan, Wheeling said, there would have been mixed residential and commercial uses for the property in this area, but under the proposed amendment it would be entirely commercial which could mean that the Monteath property would not be acquired at all.

Mrs. James Smith, 178 South Ann Street, who issued the initial complaint on the car storage operation, repeated her complaint and stated that the having of such an operation that close to her back door was not only an eye sore but also was a detriment to the value of her property.

Councilman Colton commented that it was his understanding that the whole area could be acquired, including the Monteath property and another piece of property on Asheland Avenue, also being used as a junk yard. He said he was concerned that they were not being acquired even though other pieces had been purchased without definite knowledge of the future land use. He said in his opinion a junk yard adjacent to residential property was not a good commercial use in respect to urban renewal. He said he was also concerned that more emphasis had not been placed on encouraging developers to purchase the property already available with the idea of building single family homes.

A lengthy discussion followed regarding the definition of a junk yard and whether the Monteath's operation would constitute a junk yard. According to Mr. J. E. Johnson, Building Inspector, it was concluded that the Monteath operation did not come under the ordinance definition of a junk yard.

RESOLUTION NO. 72-139 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT CONTRACT WITH THE STATE HIGHWAY COMMISSION FOR THE PURPOSE OF LOCATING AN AUTOMATIC FIRE ALARM CIRCUIT WITHIN THE RIGHT OF WAY OF THE STATE HIGHWAY COMMISSION ON U. S. HIGHWAY 19-23

6. Consideration was given to a resolution authorizing Mayor to execute right of way encroachment contract with the State Highway Commission for the purpose of locating an automatic fire alarm circuit within the right of way of the State Highway Commission on U. S. Highway 19-23.

The City Manager read the resolution.

Fire Chief Powell Ball explained that the State Highway had requested that the automatic fire alarm circuit, now attached to the bridge at the Broadway overpass be removed and that in order to meet this request he would have to drop it down to the Broadway grade and put it underground, therefore the encroachment agreement was necessary.

Upon motion of Councilman Colton, seconded by Councilman Morris, Resolution No. 72-139 was unanimously adopted.

Complete text of Resolution No. 72-139 will be found in Resolution Book No. 6 at page 300.

SITE PLAN - RIVERSIDE PARK

7. Mr. Ray Kisiah, Director of the Parks and Recreation Department, Mr. William Peyton, Chairman of the Advisory Board of the Parks and Recreation Department, and Mr. Logan Delany, Director of Model Cities, presented the plan for the development of Riverside Park. Ray Kisiah, the spokesman for the group, told Council that a great deal of time had been spent in drafting the plan but it was now complete and had the approval of all the agencies concerned.

The City Manager when asked for his comments, recommended that Council defer action until they had a chance to look at the site. Mrs. Oralene Simmons, Mrs. Nola Knuckles, and Logan Delany all asked that some action be taken at the present meeting.

Councilman Dailey said he was familiar with the site and was ready to take immediate action. Councilman Ochsenreiter said that he had been a member of the committee and any further study would be a duplication of effort on his part.

Councilman Dailey moved that the Riverside Park Plan be approved, as submitted. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

RESOLUTION NO. 72-140 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO AN AGREEMENT FOR ARCHITECTURAL SERVICES.

8. Consideration was given to a resolution authorizing the Mayor to enter into an agreement with Lawrence Traber to design a bathhouse for the Recreation Park.

The City Manager read the resolution.

RESOLUTION NO. 72-142 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE TRANSIT AUTHORITY

Consideration was given to a resolution appointing Miss Laura A. Cline; 41 Forest Hill Drive and Mr. William G. Adams, Jr., 1 Maplewood Road, to the Asheville Transit Authority.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 72-142 was unanimously adopted.

Complete text of Resolution No. 72-142 will be found in Resolution Book No. 6 at page 303.

RESOLUTION NO. 72-143 - RESOLUTION APPOINTING MEMBER TO THE MODEL CITIES COMMISSION

Consideration was given to a resolution appointing Earl M. Schrier, 17 Westall Avenue to the Model Cities Commission.

The City Manager read the resolution.

Upon motion of Councilman Hoyle, seconded by Councilman Dailey, Resolution No. 72-143 was unanimously adopted.

Complete text of Resolution No. 72-143 will be found in Resolution Book No. 6 at page 304.

RESOLUTION NO. 72-144 - RESOLUTION APPOINTING MEMBER OF ASHEVILLE SCHOOL BOARD

Consideration was given to a Resolution appointing Mrs. Walter J. Boggs, 26 Lakewood Parkway to the Asheville School Board.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 72-144 was adopted with Councilman Dailey voting no.

Councilman Dailey stated that he did not object to the appointee, but that due to the ratio of black students to whites, he would like Council to consider appointing another black member in the future.

Complete text of Resolution No. 72-144 will be found in Resolution Book No. 6 at page 305.

RESOLUTION NO. 72-145 - RESOLUTION APPOINTING MEMBER TO THE ADULT ADVISORY BOARD TO THE ASHEVILLE BUNCOMBE COUNTY YOUTH COUNCIL.

Consideration was given to the appointment of Mr. Bill Stroupe, 86 Wild Cherry Road to the Asheville Buncombe County Youth Council.

Mrs. Dunlap, Mrs. Glenn, and Mrs. Rogers, all residents of the area spoke in behalf of Mrs. Smith's complaint and were critical of the East Riverside Renewal plan.

Mrs. Hall of 164 Asheland Avenue, asked Council to investigate a vacant house at 160 Asheland Avenue that was being frequented by vagrants. Mr. Wheeling was asked by Mayor Wood to look into the matter.

To sum up the discussion, Mayor Wood commented that apparently the Monteath's operation did not fit the legal discription of a junk yard, but he suggested that any renewal plan that doesn't do something about that kind of land use isn't much of a redevelopment plan. He said that as much as Council would like to help the homeowners in the neighborhood who are concerned about the Monteath's operation, he didn't believe that anything could be done until the Housing Authority acquires the property through condemnation.

LARRY A. FISHER APPOINTMENT AS FINANCE DIRECTOR

The City Manager announced to Council the appointment of Larry A. Fisher as the Director of Finance, effective immediately. He said that Mr. Fisher was presently Deputy Director of Model Cities and for the present would divide his time between Model Cities and the City of Asheville.

PASSENGER BOARDING FEE AT THE ASHEVILLE AIRPORT

The City Manager reported that at meetings between his staff and the airlines officials, the airlines have stood by their original position that they would oppose any attempt to establish a boarding tax at the Asheville Airport. He said the airlines claim that a boarding tax would be in violation of the 1961 lease agreement between the City and the carriers.

Mr. Ward outlined the $4.5 million improvement plan for the airport of which the city's share would be $900,000, to be spread over a 3 or 4 year program. He said the next step was for the airport manager and the airport consultants to contact the FAA to determine how the city should proceed in putting the financial package together. He asked for the approval of Council to proceed. He then asked the Corporation Counsel for an opinion on the question of the lease violation. Mr. Robinson said the lease was subject to two interpretations and it would be up to the courts to decide which was correct.

Councilman Morris stated that he did not see how Council could consider the proposed improvements unless some additional source of revenue could be found. After a discussion, Councilman Morris moved that the Corporation Counsel be instructed to prepare an ordinance that would establish a $2 boarding fee. Councilman Ochsenreiter seconded this motion and it was carried unanimously.

Mayor Wood asked Mr. Robinson to try to have the ordinance ready for Council's consideration at the next meeting.

PETITION FOR REZONING - FRED PEARLMAN - TUNNEL ROAD

The City Manager presented a petition for rezoning signed by Mr. Fred Pearlman to rezone Ward 8, Sheet 11, Lot 35-1/4 from RA-6 Residential District to Roadside Business.

Mayor Wood instructed the City Clerk to refer the petition to the Planning and Zoning Commission for study and recommendation.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilman Henry E. Colton, J. W. Hoyle, Ralph D. Morris, Jr., Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of December 7, 1972 meeting.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, the minutes of the December 7, 1972 meeting were approved as submitted.

PUBLIC HEARING - CLOSING OF UNNAMED ALLEY LOCATED UPON THE PROPERTY OF CITIZENS HARDWARE AND SUPPLY COMPANY

2. A public hearing was held to consider the closing of an unnamed alley located upon the property of Citizens Hardware and Supply Company, Inc.

Mayor Wood opened the public hearing at 3:01 o'clock p. m.

The City Manager read the affidavit of publication which set the time and date of the hearing.

Mr. Larry McDevitt, an attorney representing the Citizen Hardware and Supply Company, Inc. and T. A. Groce, individually, told Council that his client wanted to tear down three existing structures now located over the alley in question, and to construct a new larger building east of the present location. He said the new larger building would clear the alley but the closing was necessary to obtain a clear title. He said his client owned all the property abutting on both sides of that portion of the alley proposed to be closed. The right of way for the sanitary sewer would be retained as he saw no reason to relocate the sewer. Evidence of the original dedication of the alley and its extension only from Clairmont Avenue to Johnson Drive was submitted by McDevitt in the form of two plats recorded in Plat Book 154 at page 9 and Plat Book 26 at page 76. However, McDevitt said his client was not interested in closing the alley its full length but just that portion abutting his property. This he also showed on a site plan submitted with his request.

Mr. Duffy Reints, Manager of the Burger Chef strongly opposed the closing. He said he also represented Lord's Drug Store and The Carpet Shop, all of which abut on an alley extending from Clairmont Road to Gracelyn Road, which Mr. Reints claims is part of the alley in question. As evidence to this he submitted a tax map which shows an alley running from Gracelyn Road, crossing Clairmont Road and ending at Johnson Drive. Mr. Reints read a lengthy prepared statement which gave as his chief objection to the closing the need of access now and in the future for business development along the Merrimon Avenue frontage. He said that the Merrimon Avenue Merchants Association, of which he is an officer, also opposed the closing. He contended that he did not have suffifient time to contact other property owners in the area to support him in his opposition, as the plat showing the area to be closed was not available in the City Clerk's office at the time when the public advertisement stated it would be. For this reason, he asked for a four week extension of the hearing.

The City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Ochsenreiter, Resolution No. 72-145 was unanimously adopted.

Complete text of Resolution No. 72-145 will be found in Resolution Book No. 6 at page 306.

Adjournment.

Richard D. Wood
MAYOR

William J. Mallett, Jr.
CITY CLERK

On a roll call vote of 7-0, Ordinance No. 755 passed on the second reading.

RESOLUTION NO. 72-146 - RESOLUTION AUTHORIZING THE MAYOR OF ASHEVILLE TO ENTER INTO A THIRD PARTY CONTRACT WITH THE METROPOLITAN PLANNING BOARD FOR THE CONTINUED PREPARATION OF COMMUNITY RENEWAL PROGRAM INFORMATION - PROJECT NUMBER CPA-NC-04-20-1011

5. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to enter into a third party contract with the Metropolitan Planning Board for the continued preparation of Community Renewal Program Information -Project Number CPA-NC-04-20-1011.

The City Manager read the resolution.

Mr. Nick Kmecza, Planning Director, explained that this was a continuation of the Community Renewal Program already in progress with the only change being a change in the source of funds. He said this contract would be in effect from December 25, 1972 through June 24, 1973.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 72-146 was unanimously adopted.

Complete text of Resolution No. 72-146 will be found in Resolution Book No. 6 at page 307.

ORDINANCE NO. 757 - AN ORDINANCE TO IMPOSE A FEE OF TWO DOLLARS ($2.00) ON EACH DEPARTING PASSENGER FOR USE OF MUNICIPAL AIRPORT FACILITIES.

6. Consideration was given to an ordinance to impose a fee of two dollars ($2.00) on each departing passenger for use of Municipal Airport facilities.

The City Manager read the ordinance and explained to Council that if certain necessary capital improvements on the airport were to be accomplished, some source of additional revenue would have to be found and he recommended the $2.00 boarding fee as the most appropriate means of financing the proposed improvements.

Council in reviewing the ordinance requested the Corporation Counsel, Robert J. Robinson, make several changes in the many provisions.

In paragraph 1 the effective date was set as being 15 days after the adoption of the ordinance.

In paragraph 5, relative to the use of revenues, it was concluded that the net revenue should be held and used to defray the present and future improvements to the airport and that this paragraph should also include debt service for these improvements as well as debt service on the present facilities.

In discussing paragraph 7 it was felt that chartered flights should be subject to the same regulations as the scheduled carriers. Therefore, Mr. Robinson was requested to make the change in this paragraph by inserting the words "scheduled air carrier or charter carrier" in lieu of the single word airline.

Following a lengthy discussion, Mayor Wood suggested, that since it was likely that Council would not meet on December 21st, that the hearing be continued until the week of December 28th. He asked both Mr. McDevitt and Mr. Reints, in the interim, to solicit comments and support for their contentions from other property owners in the area. Mr. Reints said that he has plannad to be out of town at this time and requested a January 4, 1973 date. Mr. McDevitt objected to this since his client wished to resolve the issue before the end of the year due to financing requirements. Mayor Wood asked Mr. Reints if he preferred that the meeting be continued on ~~the~~ December 21st or December 28th. Mr. Reints stated that the December 28th date was preferable to him.

Mayor Wood declared that, at 4:22 o'clock p. m., the hearing would be continued until December 28, 1972, and that it would be heard at the beginning of the meeting as one of the first items on the agenda. He said he would like to encourage both Mr. McDevitt and Mr. Reints to have those property owners in the area, who support one side or the other, to either be at the meeting or submit a written statement as to their feelings one way or another. He also asked Mr. McDevitt to prepare a resolution for Council's consideration at that time.

PUBLIC HEARING - REZONING REQUEST- ASHEVILLE HOUSING AUTHORITY
ORDINANCE NO. 756 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED.

3. A public hearing was held to consider the rezoning of property on McDowell Street and Livingston Street from RA-5 Residential and Commercial District to Institutional District. The property as shown on the Buncombe County Tax Maps being in Ward 4, Sheet 11, Lots 2, 4, 6, 8, 10, 12, and 17 and Ward 4, Sheet 7, Lots 85, 86, 87, 88, 89, and 89½.

Mayor Wood opened the public hearing at 4:24 o'clock p. m.

The City Manager read the affidavit of publication which set the time and date for the hearing.

Mr. Nick Kmecza, Director of Planning, read a memorandum of the Planning and Zoning Commission who gave a favorable recommendation to the request, with the exception of Lot 9, Ward 4, Sheet 11. This lot they recommended should remain RA-5 Residential as it is now zoned, as they felt that this was the best land use for this particular lot.

Mr. Ray Wheeling, Director of the Housing Authority, agreed to the exception in the Planning and Zoning Commission's recommenation.

Mayor Wood closed the public hearing at 4:31 o'clock p. m.

The City Manager read the ordinance.

Councilman Colton moved for the adoption, which was seconded by Councilman Dailey. On a roll call vote of 7-0, Ordinance No. 756 passed on the first reading.

ORDINANCE NO. 755- AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Hazel Mill Road)

4. Consideration was given to the second reading of Ordinance No. 755, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLLE, AS AMENDED. (Hazel Mill Road.)

REPORT OF CITY MANAGER - ANNUAL MEMBERSHIPS AT THE MUNICIPAL GOLF COURSE

The City Manager read a letter from Ray Kisiah, Director of Parks and Recreation, who advised him that the Advisory Board had voted to recommend to Council that the Annual Playing Membership at the Municipal Golf Course be increased from $70.00 to $100.00 for an individual, from $100.00 to $150.00 for a family, and that a new type membership be created to allow an individual to play Monday through Friday for $75.00 a year. He said the board further recommended that the proceeds from the increased fee be used to provide improvements at the Municipal Golf Course. The City Clerk was instructed to prepare a resolution for Council's consideration at the December 28, 1972 meeting.

PETITION - REZONING ON BROWNWOOD AVENUE

The City Manager presented Council with a petition signed by E. J. King and Douglas Huffman, requesting that Lots 35, 36, and 64, Ward 6, Sheet 6, be rezoned from RA-5 Residential to Commercial. Mayor Wood receiving no objection from Council instructed the City Clerk to forward the petition to the Planning and Zoning Commission for study and recommendation. At the same time, he requested that the area in the vicinity be studied for possible rezoning.

RESOLUTION NO. 72-149 - RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE TRANSIT AUTHORITY

Consideration was given to a resolution reappointing Lacy T. Haith as a member of the Asheville Transit Authority for a term of five years.

The City Manager read the resolution.

Upon motion of Councilman Dailey, seconded by Vice-Mayor Marshall, Resolution No. 72-149 was unanimously adopted.

Complete text of Resolution No. 72-149 will be found in Resolution Book No. 6 at page 310.

ADVANCEMENT OF FUNDS TO THE ASHEVILLE BUNCOMBE CONSOLIDATED WATER DISTRICT

The City Manager advised Council that the Asheville Buncombe County Consolidated Water District had requested that another $5,000.00 be advanced from both the County and the City to defray preliminary expenses. He said that it was understood that this advancement would be repayed when the district has available funds.

Councilman Colton moved that the City Manager be authorized to place the sum of $5,000.00 in the hands of the Asheville Buncombe County Consolidated Water District in consideration of receiving a similiar amount from the County of Buncombe. This motion was seconded by Councilman Hoyle and carried unanimously.

MRS. ROY ROGERS - EAST RIVERSIDE URBAN REDEVELOPMENT

Mrs. Roy Rogers, without comment, presented Council with several pieces of literature and pictures pertaining to East Riverside Urban Redevelopment.

Anticipating that the changes would be made before the second reading, Vice-Mayor Marshall moved for the adoption of the ordinance. Councilman Ochsenreiter seconded his motion and on a roll call vote of 7-0, Ordinance No. 757 passed on the first reading.

RESOLUTION NO. 72-147 - RESOLUTION AUTHORIZING FILING OF AN APPLICATION FOR A STATE GRANT UNDER THE CLEAN WATER BOND ACT OF 1971

Consideration was given to a resolution authorizing filing of an application for a state grant under the Clean Water Bond Act of 1971.

The City Manager read the resolution and explained to Council that with their approval, the city would be in position to file an application before the dead line of December 31, 1972. He said the city would then have an application on file and any funds derived from this application could be transferred to the Consolidated Water District when their organization was completed.

Councilman Colton commented that under no circumstances should the filing of this application by the City, be interpreted to mean that the organization of the Asheville Buncombe County Consolidated Water District was not moving ahead at full speed. He said that meetings had been held with the newly elected County Commissioners and that the board was moving ahead as rapidly as possible.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 72-147 was unanimously adopted.

Complete text of Resolution No. 72-147 will be found in Resolution Book No. 6 at page 308.

RESOLUTION NO. 72-148 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE A TIMBER SALE CONTRACT AMENDMENT FOR SALE #6 WITH THE GENNETT LUMBER COMPANY

Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute a timber sale contract amendment for sale #6 with the Gennett Lumber Company.

The City Manager read the resolution and he also read a memorandum from Gleavy Hathaway, the consulting forester for the City, who recommended to Council that the Gennett Lumber Contract be extended for the next two years. He said the net price for Sale #6 was $244,998.16 or an average price of $55.85/M BD. FT. He said this price far exceeded other timber sales in Western North Carolina and that it was his opinion, if the City elected to rebid this sale, they would risk receiving a much lower price.

Upon motion by Councilman Ochsenreiter, seconded by Councilman Morris, Resolution No. 72-148 was unanimously adopted.

Complete text of Resolution No. 72-148 will be found in Resolution Book No. 6 at page 309.

Thursday - December 28, 1972 - 3:00 o'clock p.m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilman J. W. Hoyle, Ralph D. Morris, Jr., Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Henry E. Colton and Corporation Counsel Robert J. Robinson

Mayor Wood opened the meeting and announced that all administrative offices of the City had been closed as of 3:00 o'clock in honor of President Truman. He said he regretted that he could not cancel the City Council meeting due to the already published announcement which included a public hearing, as well as a number of year end matters that required immediate attention. He asked that all in attendance stand and observe a moment of silence in respect to the death of President Truman.

1. Approval of minutes of December 14, 1972 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Morris, the minutes of the December 14, 1972 meeting were approved as submitted.

CONTINUATION OF PUBLIC HEARING - CLOSING OF ALLEY UPON THE PROPERTY OF CITIZENS HARDWARE AND SUPPLY COMPANY

2. Mayor Wood reconvened the public hearing on the closing of an unnamed alley located on the property of Citizens Hardware and Supply Company which was continued at the December 14, 1972 meeting. The time was 3:03 o'clock p. m.

Mr. Larry McDevitt, attorney for Citizens Hardware and Supply Company, reviewed his clients position on the reasons for the alley closing request and presented several statements and maps as further evidence that the majority of property owners in the immediate vicinity supported, or at least did not object to the alley closing.

Exhibit 1 was a property map of the area indicating the portion of the alley requested to be closed.

Exhibit 2 was a statement from J. E. Johnson, the former owner of the property when the alley was first dedicated, who stated that the alley was not continuous from Johnson Drive to Clairmont Avenue and that the gap was intentionally left to restrict through traffic.

Exhibit 3 was a signed statement of a majority of the property owners abutting on the alley who stated that they had been informed of the petitioners request and did not object to the closing of the alley.

Exhibit 4 was a property map of the area indicating the property owners from which statements of approval had been obtained. It also indicated the location of the gap referred to in the J. E. Johnson statement.

MEETING OF DECEMBER 21, 1972

Mayor Wood announced that if the agenda would permit, Council would not hold a regular meeting on December 21, 1972.

PROCLAMATION- CHRISTMAS, 1972

Mayor Wood wished everyone a Merry Christmas and proclaimed December 25, 1972 as Christmas Day.

Adjournment.

Richard D. Wood
MAYOR

William D. Mallett
CITY CLERK

On a roll call vote of 6 - 0, Ordinance No. 756 passed on its second reading.

ORDINANCE NO. 757 - AN ORDINANCE TO IMPOSE A FEE OF TWO DOLLARS ($2.00) ON EACH DEPARTING PASSENGER FOR USE OF MUNICIPAL AIRPORT FACILITIES.

5. Consideration was given to the second reading of Ordinance No. 757, an ordinance to impose a fee of two dollars ($2.00) on each departing passenger for use of Municipal Airport facilities.

The City Manager read the entire ordinance, revised as suggested by Council before the first reading. Council was also furnished with revised copies of the ordinance.

On a roll call vote of 6 - 0, Ordinance No. 757 passed on its second reading.

Councilman Morris moved for a suspension of the rules and to proceed with the third and final reading of the ordinance. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

On a roll call vote of 6 - 0 , Ordinance No. 757 passed on its third and final reading, to be effective 15 days after final passage.

Complete text of Ordinance No. 757 will be found in Ordinance Book No. 5 at page 254.

RESOLUTION NO. 72-151 - RESOLUTION AUTHORIZING THE MAYOR OF ASHEVILLE TO EXECUTE A GRANT AGREEMENT AMENDMENT WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE SOUTH BUNCOMBE WATER LINE PROJECT WS-NC-136.

6. Consideration was given to a resolution authorizing the Mayor of Asheville to execute a grant agreement amendment with the United States Department of Housing and Urban Development for the South Buncombe Water Line Project WS-NC-136.

The City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, Resolution No. 72-151 was unanimously adopted.

Complete text of Resolution No. 72-151 will be found in Resolution Book No. 6 at page 312.

RESOLUTION NO. 72-152 - RESOLUTION SETTING ANNUAL PERMIT FEES AT THE MUNICIPAL GOLF COURSE.

7. Consideration was given to a resolution setting annual permit fees at the Municipal Golf Course.

The City Manager read the resolution.

Mr. McDevitt elaborated on each of the exhibits presented and asked that he be allowed to correct a previous statement that Citizens Hardware owned all the property on both sides of the portion requested to be closed. He said this was in error as a Mrs. Constance Rector's property did abut on a small portion of the alley. However, he said, she had signed the statement as not objecting.

Mr. Duffy Reints, again speaking in opposition to the alley closing, reviewed his position taken at the previous meeting. He stressed the need for the alley to reduce traffic on Clairmont Avenue and the value of the alley to future business growth. He presented a statement from the Board of Directors of the Merrimon Avenue Business Association, Inc. who opposed the closing. This statement was filed with the City Clerk and marked Exhibit 5. He further supported his opposition with signed statements from several property owners on Clairmont Avenue who specified they opposed the closing. These were also filed with the City Clerk and marked Exhibit 6. His final evidence of opposition marked Exhibit 7 was a statement signed by Mrs. Martha C. Ford, owner of 815, 817, and 821 Merrimon Avenue, who had previously signed a petition favoring the closing but who reversed her decision in this final statement by opposing it.

Mr. E. R. McCarthy again spoke in opposition to the closing.

Mayor Wood closed the public hearing at 3:34 o'clock p. m.

The City Manager read the resolution which would order the closing of the alley.

Councilman Ochsenreiter moved the adoption of the resolution which motion was seconded by Councilman Morris and it carried unanimously.

Complete text of Resolution No. 72-150 will be found in Resolution Book No. 6 at page 311.

ORDINANCE NO. 755 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Hazel Mill Road)

3. Consideration was given to the third reading of Ordinance No. 755, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended to rezone property on Hazel Mill Road.

On a roll call vote of 6 - 0, Ordinance No. 755 passed on its third and final reading.

Complete text of Ordinance No. 755 will be found in Ordinance Book No. 5 at page 252.

ORDINANCE NO. 756 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Asheville Housing Authority - McDowell Street and Livingston Street)

4. Consideration was given to the second reading of Ordinance No. 756, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended to rezone property on McDowell Street and Livingston Street.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, Resolution No. 72-154 passed unanimously.

Complete text of Resolution No. 72-154 will be found in Resolution Book No. 6 at page 315.

RESOLUTION NO. 72-155 - RESOLUTION APPROVING EXTENSION OF THE SANITATION PARTICIPATION PROJECT OF THE FIRST ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

10. Consideration was given to a resolution approving extension of the Sanitation Participation Project of the First Action Year Comprehensive City Demonstration Program.

The Assistant City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 72-155 passed unanimously.

Complete text of Resolution No. 72-155 will be found in Resolution Book No. 6 at page 316.

RESOLUTION NO. 72-156 - RESOLUTION AUTHORIZING EXECUTION OF A THIRD PARTY CONTRACT BETWEEN THE CITY OF ASHEVILLE AND THE METROPOLITAN PLANNING BOARD FOR OPERATION OF THE "COMMUNITY RENEWAL PROGRAM" OF THE SECOND ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

11. Consideration was given to a resolution authorizing execution of a third party contract between the City of Asheville and the Metropolitan Planning Board for operation of the "Community Renewal Program" of the Second Action Year Comprehensive City Demonstration Program.

The City Manager read the resolution.

Upon motion of Councilman Dailey, seconded by Councilman Morris, Resolution No. 72-156 passed unanimously.

Complete text of Resolution No. 72-156 will be found in Resolution Book No. 6 at page 317.

RESOLUTION NO. 72-157 - RESOLUTION APPROVING EXTENSION OF THE "EMERGENCY ASSISTANCE PROJECT" OF THE FIRST ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM.

12. Consideration was given to a resolution approving extension of the "Emergency Assistance Project" of the First Action Year Comprehensive City Demonstration Program.

The Assistant City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, Resolution No. 72-157 passed unanimously.

Complete text of Resolution No. 72-157 will be found in Resolution Book No. 6 at page 318.

Ray Kisiah, Director of the Parks and Recreation Department, told Council that the fees as specified in the resolution were recommended by the Parks and Recreation Advisory Board and that they were below or in line with charges at similiar facilities.

Councilman Ochsenreiter moved for the adoption of the resolution with the amendment that permits be sold only to residents of the City of Asheville.

This motion was seconded by Councilman Morris.

In the discussion Mayor Wood read a letter from Mr. Sherman Young who opposed the increase from $70.00 to $100.00 and suggested a $85.00 fee for 1973, with a review of a further increase in 1974. Councilman Hoyle also opposed the $70.00 to $100.00 increase and moved to amend the resolution setting the new rates at $85.00 for the individual permit and $120.00 for family permits. Councilman Dailey seconded this amendment and the amendment was carried.

Councilman Morris noted that since the regular annual rates had been adjusted the mid-week (Monday through Friday) rates should also be adjusted and moved to reduce the proposed $75.00 year fee to $65.00. This amendment was seconded by Vice-Mayor Marshall and carried unanimously.

Mayor Wood called for the vote on the Resolution as amended and it carried unanimously.

Complete text of Resolution No. 72-152 will be found in Resolution Book No. 6 at page 313.

RESOLUTION NO. 72-153 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH HERITAGE, INC. CONCERNING WATER MAINS EXTENDING ALONG MILLS GAP ROAD, WESTON ROAD AND ALONG ROADS IN THE BROOKWOOD DEVELOPMENT TO SERVE SECTION ONE OF SAID DEVELOPMENT, LIMESTONE TOWNSHIP, BUNCOMBE COUNTY.

8. Consideration was given to a resolution authorizing the Mayor to enter into agreement with Heritage, Inc. concerning water mains extending along Mills Gap Road, Weston Road, and along roads in the Brookwood Development to serve section one of said development, Limestone Township, Buncombe County.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 72-153 passed unanimously.

Complete text of Resolution No. 72-153 will be found in Resolution Book No. 6 at page 314.

RESOLUTION NO. 72-154 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION

9. Consideration was given to a resolution authorizing Mayor to execute right of way encroachment agreement with the North Carolina State Highway Commission in order to serve Brookwood Development.

The City Manager read the resolution.

Mr. McMahan forwarded with his memorandum a letter from Ticar Chemical Company, a local supplier, who asked Council's favorable consideration of the bids submitted by his company even though they were not low. He noted that his company had supplied these commodities in the past and given good service. He felt he should be given consideration as his company's bids were competitive and he was a local supplier.

Mr. Howard Carpenter, part owner of Ticar Chemical, appeared in behalf of his company and repeated the request outlined in the letter to Mr. McMahan.

Mr. Robert Romeis, representative of Jones Chemical Company of Charlotte, appeared in behalf of his company and their bid on item 1 on liquid chlorine. He said that his company used Ticar Chemical as a distributor and if the City's yearly demand exceeded 240,000 pounds his bid would adjust to $7.50 cwt or equal to the low bid of Howerton Gowen Chemicals of Roanoke Rapids, N. C. He said the advantage to the city would be the overnight services his company could render plus giving the business indirectly to a local firm.

Councilman Ochsenreiter moved that the bid for the liquid chlorine or item 1 be awarded to Jones Chemical of Charlotte. This motion was seconded by Vice-Mayor Marshall and carried on a split vote.

Councilman Morris moved that Item # 2 to supply 200,000 lbs. of Hexametaphosphate, be awarded to the low bidder, Calgon Corporation in the amount of $22,820.00. This motion was seconded by Councilman Ochsenreiter and carried on a split vote.

Councilman Morris moved that Item # 3, to supply 425,000 pounds of caustic soda, be awarded to the low bidder, Moreland Chemical, in the amount of $9,107.75. This motion was seconded by Councilman Dailey and carried on a split vote.

Councilman Morris moved that Item # 4, to supply 325,000 pounds of Hydrofluosilicic Acid, be awarded to the low bidder, Ticar Chemical Company in the amount of $7,540.00. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

The following is a tabulation of the bids on chemicals for Asheville Water Treatment for calendar year 1973.

Bidder	Item 1 Chlorine	Item 2 Calgon	Item 3 Caustic Soda	Item 4 Flouride
Ticar Chemical	$ 19,125.00	$ 23,100.00	$ 9,180.00	$ 7,540.00
Moreland Chemical	19,125.00	26,500.00	9,107.75	7,540.00
Jones Chemical	19,125.00	29,000.00	No Bid	No Bid
Essex Chemical	No Bid	23,200.00	No Bid	No Bid
Burris Chemical	19,125.00	26,700.00	9,158.75	7,540.00
Howerton Gowen Chemical	16,875.00	25,660.00	No Bid	10,400.00
Calgon Corp.	No Bid	22,820.00	No Bid	No Bid

RESOLUTION NO. 72-158 - RESOLUTION APPROVING EXTENSION OF THE "RELOCATION PROJECT" OF THE FIRST ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

13. Consideration was given to a resolution approving extension of the "Relocation Project" of the First Action Year Comprehensive City Demonstration Program.

The City Manager read the resolution.

Upon motion of Councilman Dailey, seconded by Councilman Ochsenreiter, Resolution No. 72-158 passed unanimously.

Complete text of Resolution No. 72-158 will be found in Resolution Book No. 6 at page 320.

RESOLUTION NO. 72-159 - RESOLUTION AMENDING THE INNER CITY CHALLENGE PROJECT OF THE SECOND ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

14. Consideration was given to a resolution amending the Inner City Challenge Project of the Second Action Year Comprehensive City Demonstration Program.

The Assistant City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 72-159 passed unanimously.

Complete text of Resolution No. 72-159 will be found in Resolution Book No. 6 at page 322.

RESOLUTION NO. 72-160 - RESOLUTION AUTHORIZING EXTENSION OF THE COOPERATION AGREEMENT WITH THE ASHEVILLE PARKS AND RECREATION DEPARTMENT FOR THE OPERATION OF THE "RIVERSIDE PARK PROJECT" OF THE FIRST ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

15. Consideration was given to a resolution authorizing extension of the cooperation agreement with the Asheville Parks and Recreation Department for the operation of the "Riverside Park Project" of the First Action Year Comprehensive City Demonstration Program.

The City Manager read the resolution. Councilman Ochsenreiter was excused by Mayor Wood at 4:50 o'clock p. m.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 72-160 passed unanimously.

Complete text of Resolution No. 72-160 will be found in Resolution Book No. 6 at page 324.

BIDS - CHEMICALS FOR TREATMENT OF WATER FOR CALENDAR YEAR 1973

16. Consideration was given to the bids received December 18, 1972 for chemicals for the treatment of the Asheville Water Supply for calendar year 1973.

The City Manager read the recommendation of J. R. McMahan, Purchasing Agent, who recommended the low bids on all four items. He said that Robert E. Brown, Water Department Superintendent concurred with this recommendation.

Councilman Ochsenreiter returned to his seat at 4:55 o'clock p. m.

The City Manager read the petition.

In the absence of objections from Council, Mayor Wood referred the petition to the Planning and Zoning Commission for review and recommendations.

LAKE JULIAN - PROGRESS REPORT ON NEGOTIATIONS

The City Manager reported to Council that he had a discussion with Mr. Curtis Ratcliff, Chairman of the County Commissioners, relative to the operation of Lake Julian. He said Mr. Ratcliff told him that he was trying to arrange a meeting with the officials of the Carolina Power and Light Company to determine if some assistance could be obtained from this source. The meeting could not be arranged until next week and Mr. Ratcliff has requested that the City continue the operation of Lake Julian until after this meeting. The City Manager requested authorization to continue the operation of Lake Julian after December 31, 1972 with the understanding that the county reimburse the city for all expenses after this date.

Councilman Morris moved that the City Manager be authorized to proceed as requested. This motion was seconded by Councilman Hoyle and carried unanimously.

RECOGNITION OF THE DEATH OF REUBEN B. ROBERTSON

On behalf of the Council, Mayor Wood recognized with sorrow the passing of Reuben B. Robertson and instructed the City Clerk to convey their sympathies to the members of his family, with deep appreciation for his many services to this community and Western North Carolina.

Adjournment.

MAYOR

CITY CLERK

BIDS- GASOLINE, KEROSENE, FUEL OIL, DIESEL FUEL, MOTOR OIL, AND GREASE FOR CALENDAR YEAR 1973.

17. Consideration was given to bids received on December 27, 1972 for gasoline, kerosene, fuel oil, deisel fuel, motor oil, and grease for calendar year 1973.

The City Manager read a memorandum from J. R. McMahan, Purchasing Agent, advising him that not having received three bids on the original request of December 19, 1972 he re-advertised and opened bids on December 27, 1972. He noted that none of the major oil companies bid on Item # 1, regular gasoline, and that the two local bids received were higher than the bids on the premium gas. He recommended that the quanities of the regular and the premium gasolines be combined and that Gulf Oil Company be awarded the bid on both items, using the bid price of the premium gas. On all the other bids he recommended the low bids.

The City Manager reported that it was difficult to secure bids due to the dispute the major oil companies are having with the Federal government relative to the Phase 2 pricing of fuels.

Councilman Morris moved that the low bids be accepted in all instances, except in the case of items 1 and 2 which are to be combined under the low bid of item 2, with instructions to the City Manager and the Purchasing Agent to negotiate with the low bidder on the gasoline in view of securing a lower price on a lesser octane gas.

This motion was seconded by Councilman Hoyle and carried unanimously.

The following is a tabulation of the bids on gasoline, kerosene, fuel oil, diesel oil, motor oil and grease for calendar year 1973.

Items	Bidders			
	Owens Fuel Oil	Texaco	Gulf	Asheville Oil
1. Regular Gas	$ .2735/gal.	No Bid	No Bid	$ .2720/gal.
2. Premium Gas	No Bid	No Bid	$ .2512/gal.	No Bid
3. Motor Oil	No Bid	$ .70/gal.	$ .63/gal.	No Bid
4. H. D. Motor Oil	No Bid	$ .70/gal.	$ .95/gal.	No Bid
5. N. D. Motor Oil	No Bid	No Bid	$ .62/gal.	No Bid
6. Hydraulic Oil	No Bid	$ .55/gal.	$ .50/gal.	No Bid
7. Gear Lub.	No Bid	$ .1420/lb.	$ .147/lb.	No Bid
8. Gear Lub.	No Bid	$ .1420/lb.	$ .147/lb.	No Bid
9. Gear Lub.	No Bid	$ .095/lb.	$ .09/lb.	No Bid
10. Multi-Service Grease	No Bid	$ .285/lb.	$ .215/lb.	No Bid
11. Wheel Bearing Grease	No Bid	$ .26/lb.	$ .215/lb.	No Bid
12. Trans. Fluid	No Bid	No Bid	$1.21/gal.	No Bid
13. D. Trans. Fluid	No Bid	$1.30/gal.	$1.21/gal.	No Bid
14. Kerosene	$ .1627/gal.	No Bid	$ .205/gal.	No Bid
15. Diesel Fuel	$ .1524/gal.	No Bid	$ .195/gal.	No Bid
16. Fuel Oil	No Bid	No Bid	$ .1263/gal.	No Bid
17. Heating Oil	$ .1524/gal.	No Bid	$ .195/gal.	No Bid

PETITION - REZONING R. H. HILDEBRAND PROPERTY ON TUNNEL ROAD

18. Consideration was given to a petition for the rezoning of the R. H. Hildebrand property on Tunnel Road from RA-6 to Roadside Business.

3. Consideration was given to the third and final reading of Ordinance No. 756, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended to rezone property on McDowell Street and Livingston Street.

Mayor Wood announced that since Council had been furnished with copies of the ordinance it would not again be read in its entirety.

On a roll call vote of 7-0, Ordinance No. 756 was passed on the third and final reading.

Complete text of Ordinance No. 756, will be found in Ordinance Book No. 5 at page 253.

RESOLUTION NO. 73-1 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE LEASE FOR USE OF PREMISES ON GROVE STREET BY THE PARKS AND RECREATION DEPARTMENT'S SENIOR OPPORTUNITIES CENTER - A MODEL CITIES FUNDED PROJECT

4. Consideration was given to a resolution authorizing Mayor to execute lease for use of premises on Grove Street by the Parks and Recreation Department's Senior Opportunities Center - a Model Cities Funded Project.

The City Manager read the resolution.

Ray Kisiah, Parks and Recreation Director, explained to Council that this was a renewal of a yearly lease for a building on Grove Street to house the Senior Opportunity Center. He said that this program was fully funded by the Model Cities Agency and had proved to be very successful. He recommended the renewal of the lease.

Upon motion by Councilman Ochsenreiter, seconded by Councilman Hoyle, Resolution No. 73-1 was unanimously adopted.

Complete text of Resolution No. 73-1 will be found in Resolution Book No. 6 at page 325.

RESOLUTION NO. 73-2 - RESOLUTION AMENDING THE EMPLOYMENT SERVICES SYSTEM PROJECT OF THE SECOND ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

5. Consideration was given to a resolution amending the Employment Services System Project of the Second Action Year Comprehensive City Demonstration Program.

The City Manager read the resolution.

Logan Delany, Executive Director of Model Cities, reported to Council that no new funds would be involved and that $43,163 requested for scholarships would come from a re-allocation of Second Action Year Funds.

W. R. Swearngan, Executive Director of the Project Service Center, under whose direction the scholarship program is administered, furnished Council with the facts and statistics on the number and types of scholarships that had been processed to date. He said that the demand for the scholarship had far exceeded the funds available and that deserving applicants had to be turned away. For this reason the additional allocation was recommended by the Model Cities Commission.

Thursday, January 4, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilman Henry E. Colton, J. W. Hoyle, Ralph D. Morris, Jr., Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of December 28, 1972 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, the minutes of the December 28, 1972 meeting were approved as submitted.

PUBLIC HEARING - DEMOLITION OF 15 GREEN STREET, 176 SOUTH LIBERTY STREET, 53 SHORT MORROW STREET, 55 SHORT MORROW STREET AND 17 TRADE STREET

ORDINANCE NO. 758 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 15 GREEN STREET, 176 SOUTH LIBERTY STREET, 53 AND 55 SHORT MORROW STREET

2. A public hearing was held to consider the adoption of an ordinance directing the Housing Officer to proceed with the demolition and removal of 15 Green Street, 176 South Liberty Street, 53 and 55 Short Morrow Street and 17 Trade Street.

Mayor Wood opened the public hearing at 3:01 o'clock p. m.

The City Manager was requested to read the affidavit setting the time and place of the public hearing. He noted at this time that 17 Trade Street would not be included in the proposed ordinance as one of the parties in interest of this property had not been legally notified.

J. E. Johnson, Building Inspector, reported on the condition of each of the houses to be demolished.

Councilman Hoyle complimented the Building Inspector and his staff for their efforts in demolishing the old houses.

Mayor Wood closed the public hearing at 3:09 o'clock p. m. and asked the City Manager to read the demolition ordinance. Members of Council were furnished copies of the ordinance at this time.

Councilman Morris moved for the adoption of the ordinance and Councilman Colton seconded his motion.

On a roll call vote of 7-0, Ordinance No. 758 passed on the first reading.

ORDINANCE NO. 756 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Asheville Housing Authority - McDowell Street and Livingston Street)

Thursday, January 11, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, J. W. Hoyle, Ralph D. Morris, Jr., Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of January 4, 1973 meeting.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, the minutes of the January 4, 1973 meeting were approved as submitted.

ORDINANCE NO. 758 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 15 GREEN STREET, 176 SOUTH LIBERTY STREET, 53 AND 55 SHORT MORROW STREET

2. Consideration was given to the second reading of Ordinance No. 758, an ordinance directing the Housing Officer to demolish those houses known as 15 Green Street, 176 South Liberty Street, 53 and 55 Short Morrow Street.

Mayor Wood requested the City Manager to read the owners and locations of the dwellings to be demolished.

On a roll call vote of 7 - 0, Ordinance No. 758 passed on the second reading.

RESOLUTION NO. 73-3 - RESOLUTION APPROVING EXTENSION OF THE "SICKLE CELL ANEMIA PROJECT" OF THE SECOND ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

3. Consideration was given to a resolution approving extension of the "Sickle Cell Anemia Project" of the Second Action Year Comprehensive City Demonstration Program.

The City Manager read the resolution.

Upon motion by Councilman Morris, seconded by Councilman Dailey, Resolution No. 73-3 was unanimously adopted.

Complete text of Resolution No. 73-3 will be found in Resolution Book No. 6 at page 328.

Councilman Ochsenreiter noted that Mr. Ed Seitz, News Reporter for the Asheville Citizen was 8 minutes late for the meeting.

ZONING - RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION FOR REZONING OF THE FOLLOWING PROPERTIES: (1) MEMORIAL MISSION AND ST. JOSEPH'S HOSPITAL AREA (2) PROPERTY OF C. W. SLUDER ON BEAVERDAM ROAD (3) PROPERTY OF FRED PEARLMAN IN THE REAR OF 246 TUNNEL ROAD (4) PROPERTY OF DOUGLAS HUFFMAN AND E. J. KING ON BROOKWOOD ROAD

4. Consideration was given to four recommendations from the Planning and Zoning Commission relative to the rezoning of property in the area of Memorial Mission and St. Joseph's Hospital to Institutional; the rezoning of property owned by C. W.

Council questioned Mr. Swearngan extensively on various aspects of the program.

Mrs. Dicie Jackson, Model Cities Commissioner, spoke very highly in support of the program and said that many deserving residents of the Model Cities Area were being given an opportunity for a college education that they could not otherwise afford.

Upon motion of Councilman Dailey, seconded by Councilman Hoyle, Resolution No. 73-2 was unanimously adopted.

Complete text of Resolution No. 73-2 will be found in Resolution Book No. 6 at page 326.

CONSOLIDATED WATER DISTRICT PUBLIC HEARING

Councilman Morris announced that a public hearing on the proposal to create the Asheville Buncombe County Consolidated Water District would be held at 7:30 p. m., January 24, 1973 on the 5th floor of the Buncombe County Court House.

He said that this meeting would be held jointly by the Buncombe County Commissioners and the N. C. Board of Health. Councilman Morris said that it was his understanding that this public hearing was one of the final steps in the process of making the Metropolitan Water Board a legal entity.

MEETING WITH BOND ATTORNEYS ON CONSOLIDATED WATER DISTRICT

The City Manager announced that he, Corporation Counsel Robert J. Robinson and Consolidated Water District attorney S. Jerome Crowe would meet next Wednesday, January 10, 1973 with the City's New York bond attorneys in Raleigh to discuss legal requirements connected with the Asheville's Water Bond Debt and the transfer of the City's water system assets to the Consolidated Water District.

MRS. JAMES SMITH COMPLAINT

Mrs. James Smith again appeared before Council to appeal for some relief from the noise being created by Monteath's junk car lot at the rear of her property.

Mayor Wood advised her that until the amendment to the Redevelopment Plan was completed he knew of nothing further that Council could do.

MRS. ROY ROGERS - HOUSING IN THE EAST RIVERSIDE REDEVELOPMENT AREA

Mrs. Roy Rogers called on Council to try and promote and make available for sale, more and better single family houses in the East Riverside Redevelopment Area.

Adjournment.

Richard A. Wood, Jr. — William D. Maccarty

MAYOR — CITY CLERK

PASSENGER BOARDING FEES AT THE ASHEVILLE AIRPORT

The City Manager advised Council that he had just received a letter from Piedmont Airlines dated January 9, 1973 regarding the proposed passenger boarding fees at the Asheville Airport. At Mayor Wood's request Mr. Ward read the letter in its entirety. In the letter, Piedmont again voiced their opposition to the enactment of Ordinance No. 757 in that it was in conflict with the Basic Airport Use Agreement. They again brought up the pending airport improvements and referred to their letter of December 7, 1972 to the Airport Manager in which they stated that the improvements were in excess of the airlines needs. They claimed that they had not received a copy of Ordinance No. 757 until January 8 and intimated they were not aware of the January 12 effective date. In view of this they requested a 90 day delay in the effective date. During this time they propose to discuss the needed improvements and allow Congress time to act on revisions to the Airport/ Airways Development Act now pending.

Councilman Mortis stated that he thought it appropriate to contact the airlines and tell them that Council would welcome suggestions as to the necessary improvements to the airport.

Mayor Wood asked if this was the first communication with the airline since Council passed Ordinance No. 757 on the first reading. The City Manager told him that it was. In the absence of further comments or motions, Mayor Wood instructed the City Manager to write to Piedmont Airlines and advise them that since this was the first official communication that Council had received since the ordinance was first considered, Council was not inclined to grant the requested 90 day extension. Also to advise Piedmont Airlines that Council would always be happy to discuss improvements at the airport, as well as the means to finance them.

MR. ED SEITZ INTRODUCED JOURNALISM STUDENTS FROM MARS HILL

Mr. Ed Seitz, Asheville Citizen News Reporter, introduced to Council Miss Bonnie Clark, Mr. Mark Grimes, and Miss Martha Willis, three journalism students from Mars Hill.

AREA COUNCIL MEETINGS TO RESUME

Mayor Wood announced that Council would again hold 5 area Council meetings during the next few months. He said the details were being worked out and a complete schedule would be announced at the next meeting.

Adjournment

Richard A. Wood Sr.
MAYOR

Miriam D. Moseley
CITY CLERK

Sluder on Beaverdam Road from Residential to Neighborhood Trading; the rezoning of Fred Pearlman's property at the rear of 246 Tunnel Road from Residential to Roadside Business; the rezoning of property owned by Douglas Huffman and E. J. King on Brownwood Avenue from Residential to Commercial. Mayor Wood noted that the Memorial Mission and St. Joseph's Hospital, the Fred Pearlman and the Huffman and King requests were given favorable recommendations by the Planning and Zoning Commission and would, in accordance with policy, be scheduled for public hearings. However, in the case of the C. W. Sluder request on Beaverdam Road, the Planning and Zoning Commission denied this request and recommended that it remain as it is presently zoned. At this time, Mr. George K. Peterson, the lessee of the property and prospective buyer of this property appeared on behalf of the owner and requested a public hearing.

Councilman Morris moved that public hearings be scheduled for the C. W. Sluder and Fred Pearlman requests at the regular meeting on February 1, 1972 and that the Memorial Mission-St. Joseph's and Huffman-King requests be scheduled for public hearings at the regular meeting on February 8, 1972, with all hearings to be advertised at the petitioners expense. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

APPLICATION FOR BILLIARD HALL LICENSE - 85 TUNNEL ROAD

The City Manager advised Council that he had received an application from L. Allan Morris requesting a license to operate a billiard hall at 85 Tunnel Road, which is in the Tunnel Road Shopping Center. He reported that the application was in order and all the necessary reports had been filed so Council could act on the application at this time if it was their desire to do so.

Councilman Morris noted that in the past it had been Council's policy to publicize such applications before taking action so that anyone opposing the application would have an opportunity to be heard. He moved that action on the application be tabled until the next meeting. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

PETITION - YEARLY PLAYING MEMBERSHIPS AT MUNICIPAL GOLF COURSE

The City Manager reported to Council that he had received a petition addressed to them signed by approximately 32 citizens requesting that the privilege of buying yearly memberships to the Municipal Golf Course be extended to players outside the City Limits. They suggested an additional $10.00 fee for this class of membership.

In the absence of a motion, Mayor Wood stated that Council would take this petition under advisement.

REZONING PETITION - CORNER OF LEICESTER HIGHWAY AND WESTWOOD

The City Manager read a petition from E. J. Bumgarner owner of Lots 8-1/2 and 8-3/4, Ward 6, Sheet 25, located at the corner of New Leicester Highway and Westwood Street, requesting a rezoning from RA-5 Residential to Commercial or Roadside Business.

In the absence of an objection from members of Council, Mayor Wood instructed the City Clerk to forward the petition to the Planning and Zoning Commission review and recommendation. He also requested that other property in the area be considered for possible rezoning.

The City Manager read the resolution, after which Councilman Ochsenreiter moved for the adoption of the resolution. This motion was seconded by Councilman Bailey.

In the lengthy discussion that followed, Councilman Colton questioned the reasons for the recent large number of requests for the extension of Model Cities projects. Mr. Bruce Fitchett, Director of the Irene Wortham Day Care Center, the operating agency for the Upward Training Program and Mr. George Phipps, Model Cities Contracts Officer, explained that the project under consideration was not only late in getting started but the federal eligibility guidelines had been altered to the extent that the overall scope of the project had been reduced. In doing this, the number of students enrolled in the program was also reduced and all the funds allocated were not used. Mr. Fitchett said that an effort was being made to obtain a grant from HEW to support the Upward Training Program and that the unused funds from the First Action Year would be used to substain the program until such time as HEW made their decision. He speculated that this would be in two or three months.

Mayor Wood called for a vote on the resolution and it carried unanimously.

Complete text of Resolution No. 73-4 will be found in Resolution Book No. 6 at page 330.

REZONING PETITION - SWANNANOA RIVER ROAD

The City Manager advised Council that he had received a petition from Ralph W. Davis, Vice-President of Gold Dot Foods, requesting the rezoning of a portion of Lot 40, Ward 8, Sheet 6 on Swannanoa River Road from RA-6 to Industrial.

In the absence of an objection from Council, Mayor Wood instructed the City Clerk to refer the petition to the Planning and Zoning Commission for study and recommendation. He further asked that the Planning and Zoning Commission determine if a zoning other than Industrial would satisfy the Carolina Power and Light Company's needs.

BON TON CLEANERS - MEMO TO CITY MANAGER FROM THE BUILDING INSPECTOR

The City Manager reported as information, that he had received a memorandum from J. E. Johnson, Building Inspector, advising him of the legal procedure followed in an effort to eliminate the unsafe and dilapidated conditions of the building and property located at 650 Haywood Road, known as Bon Ton Cleaners. He said that Johnson had advised him that an order had been issued to the owners to make the structure safe and to clean up the property by February 25, 1973, but that the owner had appealed this order to City Council and had requested a public hearing.

When questioned by Council, Mr. Johnson said that the owners had withdrawn their appeal and indicated they were prepared to carry out the conditions of the original order. He said he would be ready with the necessary papers to see that the structure was quickly demolished if the owners did not take the required action.

Thursday, January 18, 1973 -3:00 o'clock

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, J. W. Hoyle, Ralph D. Morris, Jr., Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., Mr. William C. Moore, substituting for Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Corporation Counsel Robert J. Robinson

1. Approval of minutes of January 11, 1973 meeting.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, the minutes of the January 11, 1973 meeting were approved as submitted.

ORDINANCE NO. 758 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 15 GREEN STREET, 176 SOUTH LIBERTY STREET, 53 AND 55 SHORT MORROW STREET

2. Consideration was given to the third reading of Ordinance No. 758, an ordinance directing the Housing Officer to demolish those houses known as 15 Green Street, 176 South Liberty Street, 53 and 55 Short Morrow Street.

Mayor Wood noted that Council had previously been furnished with copies of the ordinance and therefore it would not be read in its entirety, but asked the City Manager to again read the address and owners of record of the houses scheduled for demolition.

On a roll call vote of 7 - 0, Ordinance No. 758 passed on its third and final reading.

Complete text of Ordinance No. 758 will be found in Ordinance Book No. 5 at page 256.

BILLIARD HALL LICENSE APPLICATION - TUNNEL ROAD SHOPPING CENTER

3. Consideration was given to an application for a billiard hall license to operate a billiard hall in the Tunnel Road Shopping Center.

The City Manager reported that the application made by L. Allan Morris was in order and that all the conditions required by the City's ordinance had been met.

Councilman Morris moved that the application be approved. This motion was seconded by Councilman Hoyle and carried unanimously.

RESOLUTION NO. 73-4 - RESOLUTION APPROVING EXTENSION OF THE OPERATION UPWARD TRAINING PROJECT OF THE FIRST ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

4. Consideration was given to a resolution approving extension of the Operation Upward Training Project of the First Action Year Comprehensive City Demonstration Program.

Thursday, January 25, 1973 - 7:30 o'clock p. m.
West Asheville Community Center

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, J. W. Hoyle, Ralph D. Morris, Jr., Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

Mayor Wood opened the meeting and asked everyone to stand for a moment of silence in respect to the death of the 36th President of the United States, Lyndon B. Johnson.

1. Approval of minutes of January 18, 1973 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, the minutes of the January 18, 1973 meeting were approved as submitted.

City Manager, Ernest J. Ward was asked by Mayor Wood to introduce the members of his staff who were present for the meeting.

RESOLUTION NO. 73-5 - RESOLUTION REPEALING RESOLUTION NUMBER 72-112

2. Consideration was given to a resolution to repeal Resolution No. 72-112 relative to the creation of the Asheville Buncombe Consolidated Water District.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, Resolution No. 73-5 was unanimously adopted.

Complete text of Resolution No. 73-5 will be found in Resolution Book No. 6 at page 332.

RESOLUTION NO. 73-6 - RESOLUTION REQUESTING THE CREATION OF A METROPOLITAN

3. Consideration was given to a resolution requesting the creation of a Metropolitan Water District.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 73-6 was unanimously adopted.

Complete text of Resolution No. 73-6 will be found in Resolution Book No. 6 at page 333.

REPORT OF CITY MANAGER - DUST AND DIRT ON CITY STREETS

The City Manager reported that he and the staff had received numerous complaints on the dusty and dirty conditions of the city streets caused by contractors grading building sites throughout the city. He said to his knowledge none of the present ordinances restrict the contractors from doing so, nor is there an ordinance requiring the contractor to be responsible for cleaning up after such a grading project. He recommended that an addition be made to the grading ordinance so that future projects could be controlled.

Mayor Wood instructed the Corporation Counsel to look into the present ordinances and prepare the necessary additions for Council's consideration.

CRIME REPORT - POLICE CHIEF J. C. HALL

Police Chief J. C. Hall reported to Council that the major crime rate in Asheville was substantially lower in 1972 over 1971. He noted that murders were down from 9 in 1971 to 6 in 1972, a decrease of 33.3 per cent; rapes declined from 8 to 3, or 63 per cent; and assaults to commit rape from 5 to 4, or down 20 per cent. He said that overall crime was up approximately 1 per cent, about equal to the national average. When questioned by Council, Chief Hall stated that he attributed the increase in "muggings" and armed robberies to the drug-abuse problem where the addict was desperate for money. In answer to further questioning he stated that it was his opinion that adequate street lighting was the greatest deterrent to so called street crimes.

Mayor Wood instructed the City Manager to have C. R. Pinkston, of the street lighting section, work with the Police Department in eliminating dark areas in the City so as to assist the law enforcement effort.

AREA COUNCIL MEETINGS SCHEDULE

Mayor Wood announced the following Area Council Meetings Schedule:

January 25, 1973 - West Asheville Community Center
February 15, 1973- Murphy Community Center - Oakley
March 15, 1973 - East Asheville Community Center
April 5, 1973 - South French Broad Junior High School
April 26, 1973 - North Asheville Community Center.

He said all meetings would be held at 7:30 o'clock p. m.

Upon motion by Councilman Ochsenreiter, seconded by Vice-Mayor Marshall, Mayor Wood adjourned the meeting to convene again at 7:30 o'clock p. m., January 25, 1973 at the West Asheville Community Center. This motion was carried unanimously.

Adjournment.

Richard A. Wood

MAYOR

William D. Macready

CITY CLERK

BIDS - ELEVEN (11) PORTABLE TWO-WAY RADIO SETS WITH BATTERY CHARGERS AND ACCESSORIES

7. Consideration was given to bids received January 15, 1973 for eleven (11) portable two-way radio sets with battery chargers and accessories.

The City Manager read a memorandum from the Purchasing Agent who recommended the second low bid of Motorola Communications and Electronics Company as all the communication equipment now in use is of Motorola manufacture. He stated that Motorola maintains a local service department and the service and dependability of Motorola equipment has been excellent. Further, he stated that the low bidder Aerotron, Inc. only bid a guarantee of ninety days in comparison with Motorola's one year guarantee. J. E. Johnson, Building Inspector, whose department will use these radios, concurred in this recommendation.

Councilman Colton was advised by the Purchasing Agent that, in his opinion, awarding the contract to the second low bidder would not discourage future competitive bidding.

Councilman Morris moved that the Purchasing Agent's recommendation be accepted and that the contract be awarded to the second low bidder, Motorola Communications and Electronics Company, in the amount of $5,709.70. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary
Bid Request No. 159 - Eleven (11) Portable Two-Way Radio Sets with Battery Chargers and Accessories.

Bidder	Bid	Guarantee
RCA Corporation	$ 6,730.02	1 year
General Electric Co.	7,686.27	1 year
Aerotron, Inc.	5,223.13	90 days
Motorola Communications & Electronics	5,709.70	1 year
Cameo Corporation	5,775.00	1 year

RESOLUTION NO. 73-9 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE DRUG AND ALCOHOL ADVISORY COMMISSION

8. Consideration was given to a resolution approving the appointees to the Asheville-Buncombe County Drug and Alcohol Abuse Advisory Commission.

The City Manager read the resolution.

Mayor Wood explained that the function of this committee was to study the drug and alcohol abuse problems, coordinate activities, establish goals and objectives and help establish self help programs with existing community resources.

Upon motion of Councilman Dailey, seconded by Councilman Ochsenreiter, Resolution No. 73-9 was unanimously adopted.

Complete text of Resolution No. 73-9 will be found in Resolution Book No. 6 at page 335.

RESOLUTION NO. 73-7 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION CONCERNING USE OF THE HIGHWAY COMMISSION'S HYDRAULIC CRANE WITH UNDER BRIDGE INSPECTION PLATFORM TO REPAIR WATER LINE ATTACHED TO PEARSON BRIDGE ON SECONDARY ROAD 1348, BUNCOMBE COUNTY.

4. Consideration was given to a resolution authorizing the Mayor to enter into agreement with the North Carolina State Highway Commission concerning use of the Highway Commission's Hydraulic Crane with under bridge inspection platform to repair water line attached to Pearson Bridge on Secondary Road 1348, Buncombe County.

The City Manager read the resolution.

Upon motion of Councilman Hoyle, seconded by Councilman Dailey, Resolution No. 73-7 was unanimously adopted.

Complete text of Resolution No. 73-7 will be found in Resolution Book No. 6 at page 334.

RESOLUTION NO. 73-8 - RESOLUTION APPOINTING MEMBERS TO THE BOARD OF TRUSTEES OF THE FIREMEN'S RELIEF FUND (Reappointment of T. Cecil Tallent and Floyd W. Hancock)

5. Consideration was given to a resolution appointing members to the Board of Trustees of the Firemen's Relief Fund. (Reappointment of T. Cecil Tallent and Floyd W. Hancock).

The City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Ochsenreiter, Resolution No. 73-8 was unanimously adopted.

Complete text of Resolution No. 73-8 will be found in Resolution Book No. 6 at page 335.

BIDS - TWO (2) CUSHMAN SCOOTERS FOR POLICE DEPARTMENT

6. Consideration was given to bids received on December 23, 1972 and taken again on January 22, 1973, for two (2) Cushman Scooters for use in the Police Department.

The City Manager read a memorandum from the Purchasing Agent who recommended the acceptance of the low bid of $4,949.00 submitted by Goin Equipment Sales, Inc.

Councilman Morris moved that the Purchasing Agent's recommendation be accepted and that Goin Equipment Sales, Inc. be awarded the contract in the amount of $4,949.00. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Bid Summary
Bid Request #160 - Two (2) Cushman Scooters for Police Department

Bidder	Bid
Cumberland Clarklift Inc.	$ 4,966.74
Goin Equipment Sales, Inc.	4,949.00
Tennessee Electric Motor Company	5,156.00

CLAIM - LAWRENCE CALDWELL - SEWER STOPPAGE 124 ANNANDALE AVENUE

The City Manager reported to Council that he had received a $200.00 damage claim from Mr. Lawrence Caldwell of 124 Annandale Avenue for damages done to his basement due to a sewer back-up.

Mayor Wood referred the claim to the Corporation Counsel Robert J. Robinson for disposition.

COMPLAINT - MRS. R. F. HODGES - 33 CLOYES AVENUE

Mrs. Raymond Hodges of 33 Cloyes Avenue voiced a complaint against Morton Distributors for allowing delivery trucks to run their motors all night long. She said that the supply trucks arrive late at night and have to wait until opening time in the morning to unload. To keep warm, the drivers run their motors, which keeps everyone in the neighborhood awake. She asked Council what could be done about this. She also complained that the trucks track mud on the street from an unpaved parking area keeping the street in an unsightly condition. Mayor Wood requested the City Manager to investigate.

MR. BILL HORTON - REVENUE SHARING FUNDS

Mr. Bill Horton asked Council for a status report on the use of the Revenue Sharing funds.

Mayor Wood called on Ken Michalove, Municipal Coordinator, who reported that the Final Plan Committee met the latter part of December and in a couple of weeks should report their recommendation on the establishment of a Citizens Advisory Committee.

R. F. NAHIKIAN - PARKS IN WEST ASHEVILLE

Mr. Robert Nahikian's question on what was being done about parks for West Asheville, was referred to Ray Kisiah, Director of Parks and Recreation. Mr. Kisiah reported that the purchase of 8-10 acres of land to establish a park in West Asheville would be announced in a week to ten days. He said that the lighted multi-purpose park proposed for this property should get under construction in August at a cost of approximately $200,000.

ED McCARTHY - MAINTENANCE ON SMITH'S BRIDGE WALKWAY

Mr. E. R. McCarthy told Council that some attention should be given to removing of the accumulation of dirt on the walkway on Smith's Bridge. Mayor Wood thanked him for this information and asked the City Manager to look into the situation.

Adjournment.

Richard A. Wood

MAYOR

Virginia D. Hoffman

CITY CLERK

original advertisement as it appeared in the paper was in error as it pertained to the location of the lot in question. He said the correct designation was Ward 9, Sheet 6, Lot 29-3/4 and not Ward 9, Sheet 4, Lot 29-3/4, as it appeared in the advertisement. He recommended that the public hearing be postponed and readvertised for a later date.

In the absence of an objection from Council, Mayor Wood instructed the City Clerk to readvertise the public hearing and reschedule it for February 22, 1973.

RESOLUTION NO. 73-10 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE RELATING TO AMENDMENTS TO CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES KNOWN AS THE HOUSING CODE

4. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance relating to amendments to Chapter 8, Article II of the Code of Ordinances known as the Housing Code.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 73-10 was unanimously adopted.

Complete text of Resolution No. 73-10 will be found in Resolution Book No. 6 at page 337 .

RESOLUTION NO. 73-11 - RESOLUTION AUTHORIZING THE EXECUTION OF A THIRD PARTY CONTRACT BETWEEN THE CITY OF ASHEVILLE AND THE BUNCOMBE COUNTY HEALTH DEPARTMENT FOR THE OPERATION OF A CONSOLIDATED HEALTH PROJECT FOR THE BLIND IN THE SECOND ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

5. Consideration was given to a resolution authorizing the execution of a third party contract between the City of Asheville and the Buncombe County Health Department for the operation of a Consolidated Health Project for the Blind in the Second Action Year Comprehensive City Demonstration Program.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Morris, Resolution No. 73-11 was unanimously adopted.

Complete text of Resolution No. 73-11 will be found in Resolution Book No. 6 at page 338 .

RESOLUTION NO. 73-12 - RESOLUTION AUTHORIZING THE EXTENSION OF SECOND ACTION YEAR COOPERATION AGREEMENTS AND/OR THIRD PARTY CONTRACTS

6. Consideration was given to a resolution authorizing the extension of Second Action Year Cooperation Agreement and/or Third Party Contracts.

Thursday - February 1, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, J. W. Hoyle, Ralph D. Morris, Jr., Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William W. Wolcott, Jr.

Absent: None

1. Approval of minutes of January 25, 1973 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, the minutes of the January 25, 1973 meeting were approved as submitted.

PUBLIC HEARING - REZONING FRED PEARLMAN PROPERTY AT 246 TUNNEL ROAD

ORDINANCE NO. 759 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED.

2. A public hearing was held to consider the rezoning of the Fred Pearlman property at 246 Tunnel Road- Lot 35-1/4, Ward 8, Sheet 11. Mayor Wood opened the public hearing at 3:04 o'clock p. m.

The City Manager read the affidavit of publication setting the time and place for the hearing.

Mr. Kmecza, Director of Planning, was called on to give the recommendation of the Planning and Zoning Commission. He explained that the Commission's favorable recommendation was based on the fact that the proposed Tunnel Connector would isolate the lot in question, thus making the property less desirable for residential purposes and more desirable as Commercial. He advised Council that Mr. Pearlman, the petitioner, could not appear in his own behalf as he was called out of town.

Mayor Wood closed the public hearing at 3:12 o'clock p. m.

The City Manager read the ordinance relative to the rezoning.

Councilman Dailey moved for its adoption and was seconded by Vice-Mayor Marshall.

On a roll call vote of 7-0, Ordinance No. 759 passed on its first reading.

PUBLIC HEARING - REZONING C. W. SLUDER PROPERTY ON BEAVERDAM ROAD

3. A public hearing was scheduled to be held at this time after which Council could consider the adoption of an ordinance rezoning the property of C. W. Sluder on Beaverdam Road, Ward 9, Sheet 6, Lot 29-3/4.

Before the public hearing was opened, Corporation Counsel Robert J. Robinson advised Council that it had been brought to his attention that the

Councilman Morris moved for the adoption of the ordinance, which was seconded by Vice-Mayor Marshall. On a roll call vote of 6-1, Ordinance No. 760, passed on the first reading with Councilman Dailey voting no.

MONTFORD AVENUE AREA DISCUSSION

Council discussed at length the steming of blight in the Montford Avenue area. Councilman Colton called to their attention the unhealthy condition that existed in this area due to the run-down condition of some of the houses and the existance of junk cars. He cited a burned out dwelling in the vicinity of 182 Montford and two junk cars that almost block the sidewalk at 230 Montford Avenue. He said he felt that this area given some attention could be rejuvenated or else it would become another slum area.

J. E. Johnson, Chief Building Inspector, was questioned by Council as to what his department was doing in this area. He told Council that his staff was aware of the dwellings that should be demolished and even though some progress has been made, the process of getting something done was time consuming. He said he could speed this up with additional legal staff and that he had already recommended this to the City Manager.

The City Manager confirmed that Johnson had requested additional legal help and said that this request would be included in his revenue sharing recommendation to Council.

Adjournment.

Richard D. Wood, Jr.
MAYOR

Marion F. Maccarty
CITY CLERK

Logan Delany, Executive Director of Model Cities, explained to Council that the Second Action Year Contracts on the 13 projects listed in the resolution had expired as of January 31, 1973 and that the resolution, if passed by Council, would authorize the extension of these projects, using unexpended funds, pending HUD approval of Third Action Year allocations. He said that, according to the information available to his office, he felt the Third Action Year allocation would be approved, but that he had enough money to continue the programs for at least two months.

Mayor Wood and Council questioned the procedure that would be followed in re-allocating the unexpended funds to the various projects and after some discussion requested Mr. Delany and Mr. Larry Fisher, Fiscal Control Officer, to compile a breakdown of the status of the 13 projects showing the original budget, the amount of unexpended funds and the average monthly rate of expenditure for each project. When this was completed it was determined that the Teachers Aid Program and the Inner City Challenge Project were the only two programs that had used up practically all the funds allotted to them.

After further discussion, Mayor Wood suggested that in order to exercise control over each projects expenditures during the interim period, the resolution should be amended to spell out these controls. He suggested the following wording, "No project shall expend more than its average monthly expenditure rate (as determined by the City Manager) without the express permission of the Executive Director of City Demonstration Agency and the City Manager. No new or replacement employees shall be hired or capital expenditures made without the express permission of the Executive Director of the City Demonstration Agency and the City Manager."

Councilman Ochsenreiter moved for the adoption of the resolution as amended. This motion was seconded by Councilman Dailey and carried unanimously.

Mayor Wood instructed Mr. Delany to keep Council informed through periodic reports made frequently as practicable, as to spending rate and financial balances of each project. He said that if by March 1, 1973, there was not a firm indication that allocations would be forth coming for the Third Action Year, then Council would like to have Mr. Delany's recommendation as to which projects should be discontinued and which ones should be continued.

Complete text of Resolution No. 73-12 will be found in Resolution Book No. 6 at page 339.

ORDINANCE NO. 760 - AN ORDINANCE REGULATING PARADES, PICKET LINES AND GROUP DEMONSTRATIONS

7. Consideration was given to an ordinance regulating parades, picket lines and group demonstrations.

The City Manager read the ordinance.

Corporation Counsel, Robert J. Robinson explained to Council that he had drafted this ordinance as a substitute for the present ordinance which had been proven to be unconstitutional because of the discretionary powers given to the public official responsible for the issuing of the permits. He said the ordinance under consideration was modeled after one drafted by the League of Municipalities and would be enforceable.

PUBLIC HEARING - REZONING PROPERTY OF DOUGLAS HUFFMAN AND E. J. KING ON BROWNWOOD AVENUE

ORDINANCE NO. 762 -AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

3. A public hearing was held to consider the rezoning of property of Douglas Huffman and E. J. King located on Brownwood Avenue - Ward 6, Sheet 6, Lots 35, 36, and 64.

Mayor Wood opened the public hearing at 3:18 p. m.

The Assistant City Manager read the affidavit of publication setting the time and place for the public hearing.

Mr. Kmecza, Director of Planning, read the favorable recommendation of the Planning and Zoning Commission. He explained that the Planning and Zoning Commission recommended the approval of the rezoning as the property in question is adjacent to commercially zoned property on Haywood Road. He said that the petitioners had agreed that they would clean up the property and that they planned to use it for truck and equipment storage.

Mr. Douglas Huffman, owner of the property, appeared and spoke in favor of the ordinance. He explained that he was in the septic tank business and that it was the intention of his company to upgrade the rundown and unsightly appearance of the property.

Mayor Wood closed the public hearing at 3:25 p. m.

The Assistant City Manager read the ordinance relative to the rezoning.

Councilman Hoyle moved for the adoption of the ordinance, which motion was seconded by Vice-Mayor Marshall.

On a roll call vote of 7-0, Ordinance No. 762 passed on its first reading.

ORDINANCE NO. 759 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Fred Pearlman-Tunnel Road)

4. Consideration was given to the second reading of Ordinance No. 759, an ordinance amending Ordinance No. 322, known as an Ordinance providing for the zoning of the City of Asheville", as amended. (Fred Pearlman - Tunnel Road).

Council was previously furnished copies of the ordinance and on a roll call vote of 7 - 0, Ordinance No. 759 passed on its second reading.

ORDINANCE NO. 760 - AN ORDINANCE REGULATING PARADES, PICKET LINES AND GROUP DEMONSTRATIONS

5. Consideration was given to the second reading of Ordinance No. 760, an ordinance regulating parades, picket lines and group demonstrations.

Mrs. Charles H. Lindsey, who is a member of the Asheville Friends Meeting (Quakers), and who has had several permits for anti-war demonstrations in the down-town area spoke in reference to the ordinance and stated that she thought the ordinance

Thursday - February 8, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, J. W. Hoyle, Ralph D. Morris, Jr., Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., William C. Moore, substituting for Corporation Counsel Robert J. Robinson, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: City Manager Ernest J. Ward, Jr. and Corporation Counsel Robert J. Robinson

1. Approval of minutes of February 1, 1973 meeting.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, the minutes of the February 1, 1973 meeting were approved as submitted.

PUBLIC HEARING - REZONING PROPERTY IN THE ST. JOSEPHS-MEMORIAL MISSION HOSPITAL AREA

ORDINANCE NO. 761 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

2. A public hearing was held to consider the rezoning of property in the St. Josephs-Memorial Mission Hospital Area to Institutional District.

Mayor Wood opened the public hearing at 3:01 p. m.

The Assistant City Manager read the affidavit of publication setting the time and place for the public hearing.

Mr. Kmecza, Director of Planning, was called on to give the recommendation of the Planning and Zoning Commission. He explained that this recommendation was based on a request from City Council in August, 1970 to study this area for possible rezoning to Institutional District, and was a result of two years of studies made in this area.

Councilman Colton questioned Mr. Kmecza as to the uses permitted in the Institutional District. Mr. Kmecza briefly went over the uses permitted and explained that the Institutional District would encourage development as it is now being used.

Mayor Wood closed the public hearing at 3:15 p. m.

The Assistant City Manager read the ordinance relative to the rezoning.

Councilman Colton moved for the adoption of the ordinance, which was seconded by Councilman Hoyle.

On a roll call vote of 7-0, Ordinance No. 761 passed on its first reading.

Upon motion of Councilman Dailey, seconded by Vice-Mayor Marshall, Resolution No. 73-14 was unanimously adopted.

Complete text of Resolution No. 73-14 will be found in Resolution Book No. 6 at page 342.

BIDS - COMPETITOR RACING LANES AND STORAGE REELS FOR RECREATION PARK SWIMMING POOL

8. Consideration was given to bids received on February 5, 1973 for competitor racing lanes and storage reels for the Recreation Park Swimming Pool.

The Assistant City Manager read a memorandum from the Purchasing Agent who recommended the acceptance of the low bid of the Sports Mart, Inc. in the amount of $2,850.00.

Ray Kisiah, Parks and Recreation Director, stated that he concurred with the recommendation of the Purchasing Agent and that this equipment would allow the Recreation Park to hold competitive swimming meets without renting the equipment to do so.

Councilman Ochsenreiter moved that the Purchasing Agent's recommendation be accepted and that Sports Mart, Inc. be awarded the contract in the amount of $2,850.00. This motion was seconded by Councilman Morris and carried unanimously.

Bid Summary
Bid Request #161 - Competitor Racing Lanes and Storage Reels for Swimming Pool.

Bidder	Bid
Bob Thompson, Inc.	$ 2,856.00
The Sports Mart, Inc.	2,850.00
Superior Sports Supply	2,896.00
Adolph Kiefer McNeil Corp.	2,869.00

RESOLUTION NO. 73-15 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE ASHEVILLE CITY ADMINISTRATIVE UNIT THROUGH THE ASHEVILLE CITY SCHOOL BOARD FOR USE OF THE FORMER LUCY B. HERRING SCHOOL PROPERTY BY THE MODEL CITIES AGENCY.

9. Consideration was given to a resolution authorizing the Mayor to execute a lease agreement between the City of Asheville and the Asheville City Administrative Unit through the Asheville City School Board for use of the former Lucy B. Herring School property by the Model Cities Agency.

The Assistant City Manager read the resolution.

Logan Delany, Executive Director of the Model Cities Agency, stated that this was a continuation of an existing lease.

Upon motion of Councilman Dailey, seconded by Vice-Mayor Marshall, Resolution No. 73-15 was unanimously adopted.

Complete text of Resolution No. 73-15 will be found in Resolution Book No. 6 at page 343.

was too strong, with reference to Section 7 (c) of the Ordinance and the word "derogatory." She stated that anyone should be able to stand up and speak on whatever they wanted to about any subject. She also took issue to Section 4 (b) in reference to taking animals that are not vicious to gatherings.

Mayor Wood explained to Mrs. Lindsey that the ordinance was modeled from the N. C. League of Municipalities and that our present ordinance was too vague and put too much authority in the City Manager to refuse a permit. He explained that this ordinance was to set out guidelines for the permits.

On a roll call vote of 6 - 1, Ordinance No. 760, passed on its second reading with Councilman Dailey voting no.

RESOLUTION NO. 73-13 - RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR A GRANT "HELP COMMUNITIES HELP THEMSELVES"

6. Consideration was given to a resolution authorizing the submission of an application for a HEW Grant for participants in drug abuse conference.

The Assistant City Manager read the resolution,

K. M. Michalove, Municipal Coordinator, explained that this was an opportunity to send seven members of the Drug and Alcohol Abuse Advisory Commission to Miami, Florida to attend a 10 to 13 day conference to learn more about the drug problem and how to control it. He stated that the grant would pay all expenses and there would be no matching funds.

Mayor Wood excused Councilman Morris from the meeting at 3:37 p. m.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, Resolution No. 73-13 was unanimously adopted.

Councilman Morris returned to the meeting at 3:41 p. m. but was not present for the voting on Resolution No. 73-13.

Complete text of Resolution No. 73-13 will be found in Resolution Book No. 6 at page 341.

RESOLUTION NO. 73-14 - RESOLUTION APPROVING AND PROVIDING FOR EXECUTION OF PROPOSED CONTRACT FOR A GRANT TO ACQUIRE AND/OR DEVELOP LAND FOR OPEN SPACE PURPOSES, CONTRACT NO. N C -1014-05 (G) BETWEEN THE CITY OF ASHEVILLE, NORTH CAROLINA AND THE UNITED STATES OF AMERICA.

7. Consideration was given to a resolution approving and providing for execution of proposed contract for a grant to acquire and/or develop land for open space purposes, Contract No. N C-1014-05 (G) between the City of Asheville, North Carolina and the United States of America.

The Assistant City Manager read the resolution.

Ray Kisiah, Parks and Recreation Director, told Council that this was an opportunity to receive a grant from the Department of Housing and Urban Development. The project will be to purchase land for Riverside Park and a park in West Asheville, as well as to upgrade other parks in the City.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 73-17 was unanimously adopted.

Complete text of Resolution No. 73-17 will be found in Resolution Book No. 6 at page 345.

RESOLUTION NO. 73-18 - RESOLUTION APPROVING THE APPOINTMENT OF S. JEROME CROW AS LEGAL COUNSEL TO THE BUNCOMBE COUNTY BOARD OF TAX SUPERVISION

Consideration was given to a resolution approving the appointment of S. Jerome Crow as Legal Counsel to the Buncombe County Board of Tax Supervision.

The Assistant City Manager read the resolution.

Mayor Wood advised that the resolution was in accordance with the 1971 Session Laws.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, Resolution No. 73-18 was unanimously adopted.

Complete text of Resolution No. 73-18 will be found in Resolution Book No. 6 at page 346.

MONTFORD HILLS COMMUNITY CLUB - PRESENTATION OF STATEMENT

Mr. Frances J. Coyle, President of the Montford Hills Community Club, read a written statement to members of Council. Mr. Coyle expressed his satisfaction in favor of the grading ordinance which passed on its first reading. In the statement, the Club asked for strict enforcement of ordinances pertaining to housing and sanitation, and wanted to know what could be done about the removal of junk cars from private property, the use of Revenue Sharing funds for rehabilation of the Montford Area, the enforcement power of the Environmental Officer for the City and what programs are available to assist people in need to meet code standards. Mr. Coyle stated that the Club was planning a Clean-Up Campaign for April 1, 1973 and requested the city to make sanitation strucks available for the campaign.

Mayor Wood called on Mr. J. E. Johnson, Chief Building Inspector, to comment on the matter. Mr. Johnson stated that we did not need stronger ordinances on housing, however he did need an ordinance pertaining to vacant lots, such as an ordinance whereby a $10.00 citation would be issued to persons who fail to clean up their lots and yards within a reasonable time limit after notification. Mr. Johnson advised that Mr. Robinson, Corporation Counsel, had been asked to draft an ordinance of this type. As to junk cars on private property, he said that the city would move these cars with the owners consent, however, without the owners consent there was a long legal procedure to follow and that as he had previously stated the Revenue Sharing funds could possibly allow him to employ professional legal help in such matters.

Mr. White, of Tacoma Circle, said that the city should have proper enforcement of the ordinances which were already in effect. He cited a place on Blake Street where garbage can lids were off the cans and also a structure at 275 Montford Avenue being used as a lumber yard.

RESOLUTION NO. 73-16 - RESOLUTION CLOSING A SECTION OF COLLEGE STREET AND COLLEGE PARK PLACE IN ITS ENTIRETY

10. Consideration was given to a resolution closing a section of College Street and College Park Place in its entirety.

The Assistant City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, Resolution No. 73-16 was unanimously adopted.

Complete text of Resolution No. 73-16 will be found in Resolution Book No. 6 at page 344.

ORDINANCE NO. 763 - AN ORDINANCE AMENDING SECTION 25-3 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE RELATING TO OBSTRUCTIONS ON STREETS AND SIDEWALKS

11. Consideration was given to an ordinance amending Section 25-3 of the Code of Ordinances of the City of Asheville relating to obstructions on streets and sidewalks.

Members of Council were furnished with copies of the ordinance.

The Assistant City Manager read the ordinance and explained to Council that this ordinance was prepared due to the many complaints of grading contractors carrying mud onto the streets and creating dust in the adjoining areas. Heretofore, the City has had no authorization to make contractors clean up the mud.

Mr. William C. Moore, substituting for Corporation Counsel, Robert J. Robinson advised Council that other cities were charging a penalty of $10.00 to $25.00 for violation of this ordinance.

Mayor Wood stated that he thought this was the best approach to getting the contractors to clean up rather than attaching stipulations to grading permits.

Councilman Morris stated that the large grading contractors had equipment to clean up after grading, but would like to know what the small contractors would do that does not have equipment to do so. Councilman Morris was advised that the contractors could call the Public Works Department and the City would clean it up for a nominal fee.

Councilman Morris moved to have a $25.00 penalty violation fee charged for each day the ordinance was violated. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Vice-Mayor Marshall moved for the adoption of the ordinance. This motion was seconded by Councilman Colton.

On a roll call vote of 7-0, Ordinance No. 760, passed on its first reading.

RESOLUTION NO. 73-17 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE LEASE AGREEMENT FOR USE OF THE GYMNASIUM BUILDING LOCATED AT THE STEPHENS-LEE SCHOOL

Consideration was given to a resolution authorizing the Mayor to execute lease agreement for use of the gymnasium building located at the Stephens-Lee School.

The Assistant City Manager read the resolution.

PROCLAMATION - BROTHERHOOD WEEK - FEBRUARY 11-17, 1973

Mayor Wood proclaimed the week of February 11-17, 1973 as Brotherhood Week in the City of Asheville in a joint proclamation with the Buncombe County Board of Commissioners.

Adjournment.

Richard A. Wood Jr.
MAYOR

William F. Hotchkey
CITY CLERK

When asked by Mr. Coyle if there were any federal programs that could help the low income families meet code standards, Mayor Wood stated that federal programs of this nature had been discontinued some 18 to 24 months ago. However, Revenue Sharing funds could possibly set up a Rehabilitation Loan Program.

Councilman Colton said that it was time for the city to solve its own problems without federal grants which he thought was part of the problem aimed at improving conditions.

Mayor Wood advised Mr. Coyle that he would ask the City Manager to get in touch with the Chairman of the Clean-Up Campaign regarding the use of City sanitation trucks for the April 1, 1973 Clean-Up Campaign.

Mayor Wood thanked the Montford residents for their concern and offer to cooperate with the city in fighting the spread of blight.

RACHEL OUT - 1 SEVIER STREET - SEWERAGE PROBLEM

Mrs. Rachel Out of 1 Sevier Street spoke to Council and asked what could be done about a sewerage problem she was having on her property. She said that periodically the sewer stops up and overflows a man hole and runs across her property.

Mr. Wolcott, Assistant City Manager, stated that the Sewer Maintenance Department had checked this sewer line several times and made numerous repairs. He said he would have the line thoroughly checked out.

VIRGIL STURGILL - 102 TACOMA CIRCLE

Mr. Virgil Sturgill spoke in support of the Montford Avenue Community Club efforts to clean up this area. He said he was concerned about the run down condition of some of the houses in the area and cited several instances regarding unsightly environmental conditions.

MODEL CITIES - REPORT OF LOGAN DELANY

Mr. Logan Delany, Executive Director of the Model Cities Agency gave an interim report on the status of the funding for Model Cities Projects. He said the Regional Office of the Department of Housing and Urban Development has indicated that we would be notifed on or before February 28 relative to the funding level in the Third Action Year. He said that the Model Cities Agency will have until June 1 to revise current programs, and he would have a report on a 2 week basis on the funding of the programs.

MAYOR WOOD'S ANNOUNCEMENT REGARDING LITTLE LEAGUE PROGRAM

Mayor Wood announced that a group of citizens interested in the Little League Program had been successful in locating, here in Asheville, the training headquarters for the Southeastern Section of the Little League of America. He said he wanted to recognize this group for their work in accomplishing this and he urged everyone to make an effort to attend the groud breaking ceremony at the site adjacent to Asheville School. He said the date set for the event was Wednesday, February 14, 1973 at 1:30 p. m. and that Bobby Richardson, Baseball Coach at the University of South Carolina would be the principal speaker.

Section 7, paragraph (c) deleted the phrase regarding the wording of signs as not being "derogatory" or "defamatory."

Section 8, paragraph (c) added as an exception activities covered under the National Labor Relations Act and also excepted the area covered by the City County Plaza.

A Miss Mildred Schaffle voiced her objection to the entire ordinance stating that it was depriving the citizens of Asheville of their constitutional right to freedom of speech.

Councilman Colton briefly reviewed the changes as he understood them and then moved that the ordinance be amended to include the revisions. Councilman Ochsenreiter seconded this motion which was carried.

On a roll call vote of 6 - 1, Ordinance No. 760, as amended, was carried on its third and final reading, with Counciman Dailey voting no.

Complete text of Ordinance No. 760 will be found in Ordinance Book No. 5 at page 259.

ORDINANCE NO. 761- AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (St. Josephs- Memorial Mission Hospital Area)

4. Consideration was given to the second reading of Ordinance No. 761, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended. (St. Josephs-Memorial Mission Hospital Area)

On a roll call vote of 7 - 0, Ordinance No. 761 carried on the second reading.

ORDINANCE NO. 762, AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Douglas Huffman and E. J. King - Brownwood Avenue)

5. Consideration was given to the second reading of Ordinance No. 762, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended. (Douglas Huffman and E. J. King - Brownwood Avenue)

On a roll call vote of 7 - 0, Ordinance No. 762 carried on the second reading.

ORDINANCE NO. 763 - AN ORDINANCE AMENDING SECTION 25-3 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE RELATING TO OBSTRUCTIONS ON STREETS AND SIDEWALKS

6. Consideration was given to the second reading of Ordinance No. 763, an ordinance amending Section 25-3 of the Code of Ordinances of the City of Asheville relating to obstructions on streets and sidewalks.

On a roll call vote of 7 - 0, Ordinance No. 763 carried on the second reading.

Thursday - February 15, 1973 - 7:30 o'clock p. m.
Murphy Community Center- Oakley

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, J. W. Hoyle, Ralph D. Morris, Jr., Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of February 8, 1973 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, the minutes of the February 8, 1973 meeting were approved as submitted.

ORDINANCE NO. 759 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Fred Pearlman-Tunnel Road)

2. Consideration was given to the third and final reading of Ordinance No. 759, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Fred Pearlman - Tunnel Road).

Since Council was previously furnished with copies of the ordinance it was not re-read in its entirety.

On a roll call vote of 7 - 0, Ordinance No. 759 passed unanimously on its third and final reading.

Complete text of Ordinance No. 759 will be found in Ordinance Book No. 5 at page 258.

ORDINANCE NO. 760 - AN ORDINANCE REGULATING PARADES, PICKET LINES AND GROUP DEMONSTRATIONS

3. Consideration was given to the third and final reading of Ordinance No. 760, an ordinance regulating parades, picket lines and group demonstrations.

The City Manager was requested to read an amended version of the ordinance which was revised by the Corporation Counsel, Robert J. Robinson, after the second reading.

Mr. Robinson reviewed the changes and called attention to the following:

Section 1, paragraph (a) deletion of the definition of "block."
Section 3, paragraph (b) revision of the permitted hours from 6 a. m. to 6 p. m. to from sunrise to sunset.
Section 3, paragraph (f) a clause was added which would allow an appeal to the City Manager if the initial request was denied by the Chief of Police.
Section 7, paragraph (b) regarding the number of pickets allowed on both sides of the street was deleted in its entirety.

CITY MANAGER'S RECOMMENDATION ON REVENUE SHARING FUNDS

RESOLUTION NO. 73-20 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH A CONSULTING ENGINEER FOR IMPROVEMENTS TO THE ASHEVILLE WATER SYSTEM

11. The City Manager made a report to Council outlining his recommendations relative to the use of revenue sharing funds. He stated that to date the City of Asheville had received $1,276,847 in Revenue Sharing Funds and that he was recommending that $475,780 be used to meet vital needs in several different departments. His detailed report gave the reasons for his requests and the estimated cost of each. The following is a brief outline of his recommendations:

WATER BILLING AND ACCOUNTING	
Data Processing Equipment for special use of Water Billing and Accounting	$ 25,000
STREET DEPARTMENT	
Street Resurfacing	$ 200,000
Reflectorized Street Name Signs (West Asheville Business District)	$ 3,000
1 Street Flusher	$ 18,000
CITY BUILDING	
Electrical System Repairs and Upgrading	$ 50,000
TRAFFIC ENGINEERING	
Pedestrian Signals and Mountings (West Asheville Business District)	$ 3,780
PARKS AND RECREATION	
1 Dozer - Loader with 4 - in - 1 Bucket	$ 30,000
1 Tilt Trap Trailer	$ 5,000
1 2½ Ton Dump Truck	$ 6,000
PUBLIC SAFETY	
Attorney for title search work on contract basis to speed up legal requirements for demolition of condemned dwelling units	$ 15,000
WATER AND SEWER	
1. Employment of Engineering Firm to Prepare Plans and Specifications For:	$ 100,000
A. Chemical Feed System	

BIDS - PARKING METERS

7. Consideration was given to bids received February 13, 1973 for 100 (1) hour parking meters for the Parking Department.

The City Manager read a memorandum from the Purchasing Agent that recommended the low bid of Duncan Industries be rejected as they did not meet the specifications and that the second low bidder of M. H. Rhodes, Inc. be accepted in the amount of $43.00 per meter or a total of $4,300.00. He said that Noel Calloway, Head of the Parking Department concurred with this recommendation.

Councilman Morris moved that the second low bid of M. H. Rhodes, Inc. be accepted and that they be awarded the contract in the amount of $4,300.00. Vice-Mayor Marshall seconded the motion and it was carried unanimously.

Bid Summary
Bid Request #163- 100 (1) Hour Parking Meters Less Trade In for Old Meters

Bidder	Bid	
M. H. Rhodes, Inc.	$ 43.00 each - Total	$4,300.00
Duncan Industries	$ 39.50 each - Total	$3,950.00
Rockwell Manufacturing Company	$ 45.89 each - Total	$4,589.00

REZONING RECOMMENDATION FROM PLANNING AND ZONING COMMISSION - WARD 9, SHEET 6, LOT 40

8. Consideration was given to a favorable recommendation from the Planning and Zoning Commission relative to the rezoning of a portion of Lot 40, Sheet 6, Ward 9 from RA-6 Residential District to Industrial District.

Councilman Dailey moved that the matter be scheduled for a public hearing on March 8, 1973 and that the hearing be so advertised at the petitioners expense. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

REZONING RECOMMENDATION FROM PLANNING AND ZONING COMMISSION - WARD 8, SHEET 25, LOT 20-1/2

9. Consideration was given to a favorable recommendation of the Planning and Zoning Commission to rezone a portion of Lot 20-1/2, Sheet 25, Ward 8, from RA-6 Residential District to Roadside Business Area.

Councilman Morris moved that the matter be scheduled for a public hearing on March 8, 1973 and that the hearing be so advertised at the petitioners expense. This motion was seconded by Councilman Hoyle and carried unanimously.

RESOLUTION NO. 73-19 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION

10. Consideration was given to a resolution authorizing the Mayor to execute right of way encroachment agreement with the North Carolina State Highway Commission.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Vice-Mayor Marshall, Resolution No. 73-19 was unanimously adopted.

Complete text of Resolution No. 73-19 will be found in Resolution Book No. 6 at page 347.

CLAIM OF ROBERT E. ALEXANDER

The City Manager advised Council that he had received a claim against the City from Robert E. Alexander, who was seeking damages in the amount of $2,500.00 for damage, by a city garbage truck, to an apple tree on his property.

Mayor Wood acknowledged receipt of the claim and instructed the City Manager to turn it over to the Corporation Counsel for investigation and recommendation.

CITY MANAGER INTRODUCED STAFF

The City Manager at this time introduced the members of his staff who were in attendance at the meeting.

MRS. MARY HALL DENNY - 100 UNAKA AVENUE- DRAINAGE PROBLEM

Mrs. Mary Hall Denny of 100 Unaka Avenue asked Council to take some action to correct the drainage situation in front of her house that was causing damage to her house and lot. Mayor Wood advised her that her problem would be given immediate attention.

MR. E. R. McCARTHY - ELIMINATION OF PARKING METERS

In regard to a question by E. R. McCarthy regarding the elimination of parking meters, Mayor Wood advised him that the City was not inclined to consider it at this time.

Adjournment.

Richard D. Wood Jr.
MAYOR

William D. McCarthy
CITY CLERK

B. Monitoring and Control

C. Reservoir Protection

2. Employment of Water Department Director

PRITCHARD PARK

Phase I of Improvements to Pritchard Park		$ 20,000
	TOTAL	$ 475.780

Due to an emergency, Councilman Colton was excused from the meeting by Mayor Wood at 8:20 o'clock p. m.

The City Manager fielded several questions from Council on his recommendations. Councilman Dailey questioned the use of funds for the updating of the water system since the Consolidated Water System is in the formation phase. Mr. Ward advised him that if the CWD did become a reality they would have to proceed along the same planning and that it was his understanding that the City would be reimbursed by CWD for any expenditures. He said he felt that the City should not delay further in proceeding with a plan to improve the City's water quality.

Councilman Hoyle was enthusiastic in his backing of the recommendation to improve the quality of the City's Water System. He also favored the recommendation for additional funds for street paving.

Councilman Ochsenreiter favored the recommendation on the purchase of an additional street flusher. He said he felt this would assist the street department in giving better service in this area.

Mayor Wood partially fielded Councilman Dailey's question on the use of revenue sharing to insure jobs for Model Cities officials who could be displaced if Model Cities were phased out. He said that the recommendations before them covered mostly emergency projects. Mr. Ward added that to the best of his knowledge the Model Cities Agencies will be operating under limited funding until June, 1974 and would not need additional funds until that time.

Mayor Wood commented that improving the quality of Asheville's Water is certainly a number one priority with him and he felt that the entire Council was of the same opinion. He said he endorsed Mr. Ward's recommendation for proceeding with plans for the improvement of the system.

The City Manager requested that Council take action on a resolution authorizing him to hire a consulting engineer to design and draw up plans and specifications for the three water items recommended for the updating of the water system.

Mayor Wood asked him to present the resolution.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 73-20 was carried. All Councilmen present voting "yes" except Councilman Dailey, who voted "no."

Complete text of Resolution No. 73-20 will be found in Resolution Book No. 8 at page 348.

James Baley, an attorney representing Exxon Corporation, spoke in opposition to the ordinance. He explained that his client was planning to expand their service station operations at the corner of Biltmore Avenue and Victoria Road and that they had already purchased or had options to purchase several pieces of property immediately north of their present station. He said the passage of the ordinance would restrict service stations as a permitted use and would prevent his client from continuing their present plans. He strongly opposed the ordinance.

George Beverly, local real estate broker, who was representing the owner of the property under option to Exxon, also opposed the ordinance on his client's behalf.

J. C. McGee, owner of the drugstore adjacent to the Winn-Dixie Store at Biltmore Avenue and Victoria Road also opposed the ordinance as there was some doubt that he would be able to rebuild if his business was destroyed by fire.

Joe Swicegood, owner of "Little Pigs Restaurant" opposed the ordinance for the same reasons.

Nick Kmecza, Planning Director, told Council that under the new zoning ordinance now being drafted many of the discrepancies as pointed out will be corrected. Mr. Kmecza advised Councilman Morris that there was no urgency in passing the ordinance at this time.

After some discussion, Councilman Colton moved that the third reading of the ordinance be tabled and that the planning staff be instructed to prepare another amendment which would revise the permitted uses in the Institutional District. Councilman Morris seconded this motion and it was carried. Mayor Wood explained that he had a conflict of interest and did not vote.

ORDINANCE NO. 762 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED. (Douglas Huffman and E. J. King - Brownwood Avenue)

4. Consideration was given to the third and final reading of Ordinance No. 762, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," as amended. (Douglas Huffman and E. J. King-Brownwood Avenue).

On a roll call vote of 7 - 0, Ordinance No. 762 passed on its third and final reading.

Complete text of Ordinance No. 762 will be found in Ordinance Book No. 5 at page 262 .

ORDINANCE NO. 763 - AN ORDINANCE AMENDING SECTION 25-3 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE RELATING TO OBSTRUCTIONS ON STREETS AND SIDEWALKS

5. Consideration was given to the third and final reading of Ordinance No. 763, an ordinance amending Section 25-3 of the Code of Ordinances of the City of Asheville relating to obstructions on streets and sidewalks.

Thursday - February 22, 1973- 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, J. W. Hoyle, Ralph D. Morris, Jr., Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of February 15, 1973 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, the minutes of the February 22, 1973 meeting were approved as submitted.

PUBLIC HEARING CONCERNING THE ADOPTION OF AN ORDINANCE RELATING TO AMENDMENTS OF CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES KNOWN AS THE HOUSING CODE

ORDINANCE NO. 764 - AN ORDINANCE AMENDING SECTION 8-14, SECTION 8-29 (B) 6, SECTION 8-29 (B) 9, SECTION 8-31 (A) AND SECTION 8-31 (C) OF CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE

2. A public hearing was held to consider the adoption of an ordinance amending Section 8-14, Section 8-29 (B) 6, Section 8-29 (B) 9, Section 8-31 (A) and Section 8-31 (C) of Chapter 8, Article II of the Code of Ordinances of the City of Asheville known as the Housing Code.

Mayor Wood opened the public hearing at 3:02 o'clock p. m.

The City Manager was asked to read the affidavit of publication setting the time and date for the public hearing.

J. E. Johnson, Building Inspector, explained to Council that the ordinance under consideration did not appreciable change the present housing code but would only clarify certain sections so as to conform with the General Statutes of North Carolina. He reviewed these changes to the satisfaction of Council.

Mayor Wood closed the public hearing at 3:05 o'clock p. m. and requested the City Manager to read the ordinance in its entirety.

Councilman Colton moved for its adoption, which was seconded by Councilman Morris. On a roll call vote of 7 - 0, Ordinance No. 764 carried on its first reading.

ORDINANCE NO. 761 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (St. Josephs- Memorial Mission Hospital Area)

3. Consideration was given to the third reading of Ordinance No. 761, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended (St. Josephs - Memorial Mission Hospital Area).

Mr. Buirgy explained that on Items 72 thru 78, the low bidders delivery date was excessive and therefore he recommended the second low bid. On items 79 thru 83 the low bidder made an error in bid and the second low bidder's delivery date was excessive therefore the third low bid was recommended. In all other items the low bid was recommended.

Councilman Ochsenreiter moved that the recommendations of the Purchasing Agent and the Water Department Engineer be accepted and that contracts be awarded to Lynchburg Foundry Company in the amount of $127,589.70, Silverman Company in the amount of $42,768.08 and B and H Carolinas in the amount of $13,242.29. This motion was seconded by Councilman Dailey and carried unanimously.

A complete abstract of the bids showing prices bid on each item are on file in the office of the City Clerk.

ORDINANCE NO. 765 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE APPROPRIATING REVENUE SHARING TRUST FUNDS

9. Consideration was given to an ordinance amending the Operating Budget of the City of Asheville appropriating Revenue Sharing Trust Funds.

At the request of Mayor Wood, the City Manager presented the ordinance which included all the items previously recommended for the appropriation of Revenue Sharing Funds.

Councilman Morris moved for the adoption of the ordinance which was seconded by Councilman Hoyle. On a roll call vote of 7 - 0, Ordinance No. 765 passed on its first reading.

COUNCILMAN COLTON'S REPORT ON CONSOLIDATED WATER DISTRICT

Councilman Colton reported to Council that the members of the Consolidated Water District Board have been working on a Consolidated Water System for Asheville and Buncombe County for the last two years, but because of certain legal obstacles that have arisen it did not appear that such a system would become a reality in the near future. However, he said, the Board would continue with their efforts to explore every possible means of overcoming the legal difficulties in establishing the CWD, but the City should look now to the possibility that they might have to "go it alone." He recommended, that along this line, the city enact a new water extension policy as well as a study of the present rates structure. He said the city has refrained from making any major revisions, anticipating this to be handled by the establishment of the CWD.

Councilman Morris, also a member of the CWD Board, assured Council that every effort would be made to get the County to participate in the financing of the necessary improvements.

Mayor Wood suggested that Council should consider establishing a differential between the rates of the municipal customers and other high volume water consumers, as the rates studies are being made.

On a roll call vote of 7 - 0, Ordinance No. 763 passed on its third and final reading.

Mayor Wood instructed the City Clerk to see that Contractors were informed of the passage of the ordinance.

Complete text of Ordinance No. 763 will be found in Ordinance Book No. 5 at page 263.

REZONING REQUEST - MR. E. J. BUMGARNER

6. Consideration was given to a rezoning request of E. J. Bumgarner to rezone Lots 8-1/2 and 8-3/4, Sheet 25, Ward 6, from RA-5 Residential District to Commercial or Roadside Business Area.

The City Manager read a letter from the Planning and Zoning Commission who recommended that the request be denied.

In the absence of the property owner to request a public hearing, Mayor Wood announced that no action would be taken at this time. He said this did not prevent the property owner from requesting a public hearing at a later date.

GROUP DEVELOPMENT - OAKLEY HOUSING PROJECT - RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION

7. Consideration was given to a recommendation from the Planning and Zoning Commission relative to a proposed site plan of the Asheville Housing Authority Project 7-11 (Amendment) to be located on Eastview Avenue in Oakley.

The City Manager read a letter from the Planning and Zoning Commission recommending the approval of the project.

Councilman Morris moved that the matter be advertised and scheduled for a public hearing on March 22, 1973. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

BIDS - CAST IRON PIPE, FITTINGS, VALVES, TAPPING SLEEVES AND VALVES AND FIRE HYDRANTS FOR 1973

8. Consideration was given to bids received February 12, 1973 for furnishing the City of Asheville Water Department with Cast Iron Pipe, Fittings, Valves, Tapping Sleeves and Valves, and Fire Hydrants for calendar year 1973.

The City Manager read the recommendations of the Purchasing Agent, J. R. McMahan and Water Department Engineer, R. R. Buirgy, who recommended the award of contracts in the amount of $183,600.07 on the following items:

Items 1 thru 7C	Low Bidder	Lynchburg Foundry Company
Items 8 thru 27	Low Bidder	B and H Carolinas
Items 28 thru 31	Low Bidder	Lynchburg Foundry Company
Items 32 thru 35	Low Bidder	B and H Carolinas
Items 36 thru 51	Low Bidder	B and H Carolinas
Items 52 thru 55	Low Bidder	B and H Carolinas
Items 56 thru 62	Low Bidder	Lynchburg Foundry Company
Items 63 thru 66	Low Bidder	B and H Carolinas
Items 67 thru 71	Low Bidder	Silverman Company
Items 72 thru 78	2nd Low Bidder	Silverman Company
Items 79 thru 83	3rd Low Bidder	Silverman Company
Items 84 thru 87	Low Bidder	B and H Carolinas
Items 88 thru 94	Low Bidder	B and H Carolinas

Thursday - March 1, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, Ralph D. Morris, Jr., Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman J. W. Hoyle

1. Approval of minutes of February 22, 1973 meeting.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, the minutes of the February 22, 1973 meeting were approved as submitted.

ORDINANCE NO. 764 - AN ORDINANCE AMENDING SECTION 8-14, SECTION 8-29 (B) 6, SECTION 8-29 (B) 9, SECTION 8-31 (A) AND SECTION 8-31 (C) OF CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE

2. Consideration was given to the second reading of Ordinance No. 764, an ordinance amending Section 8-14, Section 8-29 (B) 6, Section 8-29 (B) 9, Section 8-31 (A) and Section 8-31 (C) of Chapter 8, Article II of the Code of Ordinances of the City of Asheville known as the Housing Code.

On a roll call vote of 6 - 0, Ordinance No. 764 passed on the second reading.

ORDINANCE NO. 765 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE APPROPRIATING REVENUE SHARING TRUST FUNDS

3. Consideration was given to the second reading of Ordinance No. 765, an ordinance amending the operating budget of the City of Asheville appropriating Revenue Sharing Trust Funds.

On a roll call vote of 6 - 0, Ordinance No. 765 passed on the second reading.

ORDINANCE NO. 766 AN ORDINANCE TO IMPROVE METHODS OF ELIMINATING LITTER THROUGHOUT THE CITY, SETTING FORTH THE DUTIES OF THE CODES ENFORCEMENT SECTION OF THE PUBLIC SAFETY DEPARTMENT, AND PROVIDING PENALTIES FOR LITTERING AND FAILURE TO REMOVE WEEDS, GRASS, ABANDONED AND JUNK AUTOMOBILES AND MISCELLANEOUS REFUSE FROM PROPERTY.

4. Consideration was given to an ordinance to improve methods of eliminating litter throughout the city setting forth the duties of the Codes Enforcement Section of the Public Safety Department, and providing penalties for littering and failure to remove weeds, grass, abandoned and junk automobiles and miscellaneous refuse from property.

The City Manager was requested to read the ordinance.

MEMBERSHIP TO THE MUNICIPAL GOLF COURSE - DISCUSSION

A resident of the City asked Council why she could not buy a resident membership to the Municipal Golf Course and give it as a gift to her brother who was a county resident. Mayor Wood was unsuccessful in convincing her that this just could not be done and Councilman Ochsenreiter asked if he could speak to Mr. Kisiah about the matter.

RUSSELL OFFHAUS

Mr. Russ Offhaus asked Council to scrap its recently enacted ordinance regulating parades and demonstrations. He said many of the restrictions could be misinterpreted and some of the definitions were vague. He felt that Council should have the ordinance re-written.

MRS. ROY ROGERS

Mrs. Roy Rogers again made a plea to Council to push the Housing Authority into building some housing in the East Riverside Redevelopment Project.

Adjournment.

Richard A. Wood

MAYOR

William J. Norcott

CITY CLERK

RESOLUTION NO. 73-21 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH HERITAGE, INC. CONCERNING WATER MAINS EXTENDING ALONG MILLS GAP ROAD, WESTON ROAD AND ALONG ROADS IN THE BROOKWOOD DEVELOPMENT TO SERVE SECTION ONE OF SAID DEVELOPMENT, LIMESTONE TOWNSHIP, BUNCOMBE COUNTY

6. Consideration was given to a resolution authorizing the Mayor to enter into agreement with Heritage, Inc. concerning water mains extending along Mills Gap Road, Weston Road and along roads in the Brookwood Development to serve Section One of said development, Limestone Township, Buncombe County.

Council questioned whether this agreement would approve water services to the entire Brookwood Subdivision or just Section One of the subdivision. To clarify this point, Councilman Morris moved that the agreement be amended to refer to 84 single family dwellings instead of "84 proposed building lots." This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Councilman Ochsenreiter moved for the adoption of the resolution as amended. His motion was seconded by Councilman Dailey and carried unanimously.

SHANGRI-LA APARTMENTS DEMOLITION

Councilman Morris asked J. E. Johnson, Building Inspector, for a status report on the demolition of the Shangri-la Apartments. Mr. Johnson advised him that due to a mortgage on the property the city could not get a release from the mortgagee to complete the demolition. Mayor Wood instructed Mr. Johnson to get a release from the property owner, complete the demolition and put a lien on the property.

ASHEVILLE-BUNCOMBE YOUTH COUNCIL PROJECT

Joe Houser, Senior Vice President of the Asheville-Buncombe County Youth Council asked Council's support of their project to conserve water. He said by placing a brick in the water tank of the commode would conserve a considerable amount of water and that the Youth Council was going to distribute the bricks. He asked Council to appropriate $22.00 from the City's budget to buy the initial 1000 bricks. Mayor Wood advised him that it would be complicated to amend the budget for $22.00 but that he thought he could raise the money through contributions from the Councilmen.

PROCLAMATION - YOUTH WEEK IN NORTH CAROLINA

Mayor Wood proclaimed the week of March 11 - 18, 1973 as Youth Week in North Carolina.

MRS. ROY ROGERS - SENIOR OPPORTUNITY CENTER

Mrs. Roy Rogers appealed to Council not to relocate the Senior Opportunity Center. She introduced a number of Senior Citizens who had made a special effort to attend the Council meeting to indicate their approval of the program and its present location.

COUNCIL RECESSED

Mayor Wood called for a short recess of Council at 4:40 o'clock p. m. and reconvened the meeting at 4:48 o'clock p. m.

J. E. Johnson, Building Inspector, explained to Council that some time ago he was instructed to study the anti-littering ordinances of other municipalities and to prepare a similiar ordinance for Council's consideration. He said that the ordinance before Council was modeled after the Charlotte ordinance which had proven successful since its adoption.

Council reviewed the ordinance in depth and took issue with several conditions that needed clarification.

Dick Plemmons of 111 Hansel Street asked Council if the proposed ordinance would do anything to clean up the junk yard in the vicinity of his home. Mayor Wood advised him that the Bennett and Pelmet junk yard, a greater portion of which is in the county, would come under the grandfather clause and that this ordinance could not be used as a means of doing away with this junk yard. Mr. Bill Shotwell, also a resident of Hansel Street, supported Mr. Plemmons in appealing for the cleaning up of the junk yard.

Mayor Wood instructed the building inspector to investigate the conditions of the Bennett and Pelmet Junk Yard and to report his findings to Council at the next meeting.

Councilman Morris moved for the adoption of the anti-littering ordinance as it was read. Councilman Colton seconded this motion and on a roll call vote of 6 - 0, Ordinance No. 766 passed on the first reading.

Mayor Wood directed Mr. Ward, Mr. Robinson, and Mr. Johnson to study the ordinance in regard to the questions raised by Council and to have the amendments ready when the ordinance is presented for the second reading.

WATER AGREEMENT WITH HENDERSONVILLE FOR WATER SERVICE TO ASHEVILLE HENDERSONVILLE AIRPORT INDUSTRIAL PARK

5. Consideration was given to a request from the Hendessonville Water Department that Asheville and Hendersonville enter into an agreement relative to water service to the Asheville Hendersonville Airport Industrial Park.

Mayor Wood reviewed the conditions agreed upon during the negotiations for the sale of the Asheville Hendersonville Airport as an Industrial Park. At this time he explained it was agreed that Asheville would extend its water lines to the Buncombe-Henderson County line and that Hendersonville would pick it up at this point and extend to the industrial park. This was to be a temporary arrangement until such time as Hendersonville could extend its lines from Mountain Home, a period not to exceed 5 years. In the interim period Asheville would supply water to the site, read the meters and bill the customers in accordance with the water rates then in effect. Hendersonville would automatically assume responsibility for these customers when they were in a position to do so.

Councilman Morris moved that the City Manager be authorized to write the Hendersonville Water Department advising them that the City of Asheville would supply water to the Industrial Park as outlined by Mayor Wood.

Vice-Mayor Marshall seconded this motion and it was carried unanimously.

Thursday - March 8, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Councilman Henry E. Colton, Presiding; Councilman Ralph D. Morris, Jr., Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/ City Clerk William F. Wolcott, Jr.

Absent: Mayor Richard A. Wood, Jr. and Vice-Mayor Calvin W. Marshall

In the absence of Mayor Wood and Vice-Mayor Marshall, Councilman Colton presided.

1. Approval of minutes of March 1, 1973 meeting.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, the minutes of the March 1, 1973 meeting were approved as submitted.

PUBLIC HEARING - REZONING REQUEST- RALPH W. DAVIS

ORDINANCE NO. 767 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED

2. A public hearing was held to consider the rezoning request of Mr. Ralph W. Davis that a portion of Lot 40, Sheet 6, Ward 8 be rezoned from RA-6 Residential to Industrial.

Acting Mayor Colton opened the public hearing at 3:03 o'clock p. m.

The City Manager was requested to read the affidavit of publication setting the time and date for the hearing.

Mr. Nick Kmecza, Planning Director, read a memorandum from the Planning and Zoning Commission who favorably recommended the rezoning.

Mr. Jack Chastain, Carolina Power and Light representative, told Council that his company had an option to purchase this property and planned to construct a sub-station. He said that it was their plan to beautify the area surrounding it.

Acting Mayor Colton closed the public hearing at 3:08 o'clock p. m.

The City Manager was requested to read the prepared ordinance.

Councilman Hoyle moved for the adoption which was seconded by Councilman Dailey. On a roll call vote of 5 - 0, Ordinance No. 767 passed on the first reading.

PUBLIC HEARING - REZONING REQUEST - R. D. HILDEBRAND, JR. AND KATHERINE H. LONG

ORDINANCE NO. 768 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED.

3. A public hearing was held to consider the rezoning request of R. D. Hildebrand and Katherine H. Long that a portion of Lot 20-1/2, Sheet 25, Ward 8 be rezoned from RA-6 Residential to Roadside Business.

Acting Mayor Colton opened the public hearing at 3:11 o'clock p. m.

MODEL CITIES COMPREHENSIVE CHILD DEVELOPMENT PROJECT

A group of teachers, former employees of the Model Cities Child Development Project, appeared before Council to air their grievances over the operation of the Model Cities Day Care Centers.

Miss Anita Belle Hensley, a social worker trainee, presented a resolution that explained their grievances.

Logan Delany, Model Cities Director, also read a resolution passed by the Model Cities Commission at a call meeting on February 28, 1973, which supported the views of the employees of the Day Care Project and called for the establishment of a negotiating body.

In answer to Mayor Wood's question as to why the situation had reached a crisis stage before being brought to Council, Delany said that the Day Care Project was a complex operation and it was felt that it could be worked out without coming to Council.

Jennifer Watson, Susan Durham, Robert Waller, Wanda Henry, Carl Johnson, Sandra Dorn, Sally Wright, Dicie Jackson and Gracelyn Cromwell explained the grievances that generally fell into the categories of personnel, nutrition, health, and curriculum.

Council was concerned about the continuing operation of the Day Care Centers while the workers were not on the job. It was explained that the Department of Social Services had hired substitutes.

Mayor Wood asked the group if a decision from Council was expected in regard to resolutions presented. Councilman Ochsenreiter suggested that he thought Council should hear both sides before making a decision.

Mayor Wood said that he did not question the motives of their convictions but that there was questions as to the wisdom of their action. He then appointed Councilman Colton, Councilman Ochsenreiter and himself as a committee to become fully acquainted with the situation and report back to Council. He asked Logan Delany to furnish the committee with a package of grievances and supportive evaluation studies.

Adjournment.

Richard A. Wood, Jr.
MAYOR

William D. Malcolm
CITY CLERK

automobiles and miscellaneous refuse from property.

At last Thursdays meeting Council suggested several changes be made to the ordinance before being presented for the second reading. Acting Mayor Colton asked Corporation Counsel Robert J. Robinson to indicate these changes and to re-read the section in which the changes occurred. This was done to the satisfaction of Council and Councilman Morris moved to amend the ordinance as changed. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

E. R. McCarthy in commenting on the ordinance said he did not oppose it but he felt that it put too much of the burden on the land owner rather than the person doing the littering. He read from a typewritten list several other suggestions which he gave to Mr. Robinson to consider.

Mrs. Stella Miles also took exception to placing the burden on the property owner.

Councilman Dailey asked to be excused and left the Council Chamber at 3:49 o'clock p. m.

Acting Mayor Colton questioned Mr. Robinson on Section 16 in regard to the police assisting in the enforcement of the ordinance. Mr. Robinson told him that the police already had the responsibility of enforcing all ordinances and he did not feel it was necessary to specifically include them in this section.

On a roll call vote of 4 - 0, Ordinance No. 766 passed on the second reading.

BID REQUEST NO. 164 - TWO (2) STREET FLUSHERS - TWO (2) HYDRAULIC PACKER TYPE BODIES - SIXTEEN (16) TRUCKS

7. Consideration was given to bids received March 5, 1973 for two (2) street flushers, two (2) enclosed type hydraulic packer type bodies, and sixteen (16) trucks.

The City Manager read the memorandum from the Purchasing Agent who recommended acceptance of the low bid for all items except item # 18. He explained that the low bidder, G & W Equipment Company, had bid a piece of equipment which was unfamiliar to the Sanitary Department and they had requested that this item be deferred until they had an opportunity to inspect the equipment.

Councilman Morris moved to accept the low bids on all items except item #18, that action on this item be deferred until a later date.

Councilman Hoyle seconded this motion and it carried unanimously.

Bid Summary #164 - Two (2) Street Flushers- Two (2) Hydraulic Type Bodies - Sixteen (16) Trucks

Complete summary of bids on file in the City Clerk's Office.

Item	Low Bidder	Bid
Item # 1	Asheville International Truck Sales	$ 3,009.66
Item # 2	Asheville International Truck Sales	4,105.92
Item # 3	Matthews Motors	3,288.99
Item # 4	Asheville International Truck Sales	3,433.77
Item # 5	Asheville International Truck Sales	2,759.23

The City Manager was requested to read the affidavit of publication setting the time and date for the hearing.

Nick Kmecza, Planning Director, read the memorandum from the Planning and Zoning Commission in which they favorably recommended the rezoning.

Henry Dumont, attorney for the petitioner, explained to Council that his client planned to use the rezoned area as a parking lot in conjunction with the expansion of his tourist court.

Acting Mayor Colton closed the public hearing at 3:18 o'clock p. m.

The City Manager was requested to read the prepared ordinance.

Councilman Morris moved for the adoption of the ordinance and Councilman Hoyle seconded this motion.

On a roll call vote of 5-0, Ordinance No. 768 passed on the first reading.

ORDINANCE NO. 764 -AN ORDINANCE AMENDING SECTION 8-14, SECTION 8-29 (B) 6, SECTION 8-29 (B) 9, SECTION 8-31 (A) AND SECTION 8-31 (C) OF CHAPTER 8, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE HOUSING CODE

4. Consideration was given to the third and final reading of Ordinance No. 764, an ordinance amending Section 8-14, Section 8-29 (B) 6, Section 8-29 (B) 9, Section 8-31 (A) and Section 8-31 (C) of Chapter 8, Article II of the Code of Ordinances of the City of Asheville known as the Housing Code.

On a roll call vote of 5 - 0, Ordinance No. 764 passed on the third and final reading.

Complete text of Ordinance No. 764 will be found in Ordinance Book No. 5 at page 264 .

ORDINANCE NO. 765 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE APPROPRIATING REVENUE SHARING TRUST FUNDS

5. Consideration was given to the third and final reading of Ordinance No. 765, an ordinance amending the Operating Budget of the City of Asheville appropriating Revenue Sharing Trust Funds.

On a roll call vote of 5 - 0, Ordinance No. 765 passed on the third and final reading.

Complete text of Ordinance No. 765 will be found in Ordinance Book No. 5 at page 266 .

ORDINANCE NO. 766 - AN ORDINANCE TO IMPROVE METHODS OF ELIMINATING LITTER THROUGHOUT THE CITY, SETTING FORTH THE DUTIES OF THE CODE ENFORCEMENT SECTION OF THE PUBLIC SAFETY DEPARTMENT AND PROVIDING PENALTIES FOR LITTERING AND FAILURE TO REMOVE WEEDS, GRASS, ABANDONED AND JUNK AUTOMOBILES AND MISCELLANEOUS REFUSE FROM PROPERTY.

6. Consideration was given to the second reading of Ordinance No. 766, an ordinance to improve methods of eliminating litter throughout the City, setting forth the duties of the Code Enforcement Section of the Public Safety Department and providing penalties for littering and failure to remove weeds, grass, abandoned and junk

RESOLUTION NO. 73-23 - RESOLUTION RELATING TO AN APPLICATION TO THE NORTH CAROLINA STATE BOARD OF HEALTH FOR A CLEAN WATER BOND ACT GRANT

Consideration was given to a resolution relating to an application to the North Carolina State Board of Health for a Clean Water Bond Act Grant.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 73-23 was unanimously adopted.

Complete text of Resolution No. 73-23 will be found in Resolution Book No. 6 at page 351.

RESOLUTION NO. 73-24 - RESOLUTION REGARDING AUDITING CONTRACT

Consideration was given to a resolution regarding auditing contract.

The City Manager read the resolution.

Upon motion of Councilman Hoyle, seconded by Councilman Morris, Resolution No. 73-24 was unanimously adopted.

Complete text of Resolution No. 73-24 will be found in Resolution Book No. 6 at page 352.

RESOLUTION NO. 73-25 - RESOLUTION AUTHORIZING CONTINUED APPROPRIATION TO THE ASHEVILLE AREA CHAMBER OF COMMERCE

Consideration was given to a resolution authorizing continued appropriation to the Asheville Area Chamber of Commerce.

The City Manager read the resolution.

Acting Mayor Colton called attention to the reference in the resolution that directed that balance of the funds appropriated from the 1972-73 City Budget for the Chamber of Commerce shall be applied to expenditures of the Travel Promotion Department and the Convention Bureau. This, he said would assist in the promotion of the new Civic Center.

Councilman Ochsenreiter moved for the adoption of the resolution. This motion was seconded by Councilman Hoyle and carried unanimously.

Complete text of Resolution No. 73-25 will be found in Resolution Book No. 6 at page 353.

CLAIM - MRS. FRANCES A. LIGON

The City Manager reported that he had received a damage claim in the amount of $750.00 for injuries incurred in a fall at the corner of College Street and Broadway on September 29, 1971.

Acting Mayor Colton referred the claim to Corporation Counsel Robert J. Robinson.

Item	Low Bidder	Bid
Item # 6	Asheville International Truck Sales	$ 2,759.23
Item # 7	Asheville International Truck Sales	3,281.10
Item # 8	Asheville International Truck Sales	2,359.23
Item # 9	Asheville International Truck Sales	2,077.75
Item # 10	Matthews Motors	12,776.73
Item # 11	Matthews Motors	9,645.81
Item # 12	Asheville International Truck Sales	6,408.57
Item # 13	Asheville International Truck Sales	4,120.26
Item # 14	Asheville International Truck Sales	2,609.25
Item # 15A	Matthews Motors	18,770.32
Item # 16A	A. E. Finley & Associates	13,184.00
Item # 17	Quality Equipment & Supply Co.	6,200.00

RESOLUTION NO. 73-22 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE TOWN OF BILTMORE FOREST TO EXERCISE EXTRATERRITORIAL ZONING WITHIN A PORTION OF THE TOWN OF BILTMORE FOREST'S JURISDICTION

8. Consideration was given to a resolution authorizing the Mayor to execute an agreement with the Town of Biltmore Forest to exercise extraterritorial zoning within a portion of the Town of Biltmore Forest's jurisdiction.

The City Manager read the resolution.

Mr. Knecza, Planning Director, explained that this was an overlapping of zoning jurisdiction within the one mile area of the corporate limits of both Asheville and Biltmore Forest and that by agreement Asheville would exercise jurisdiction in this area.

Councilman Ochsenreiter moved for the adoption of the resolution. Councilman Morris seconded this motion and it carried unanimously.

Complete text of Resolution No. 73-22 will be found in Resolution Book No. 6 at page 350.

REPORT OF BUILDING INSPECTOR - BENNETT AND FELMET JUNK YARD

J. E. Johnson, Building Inspector, reported to Council that as instructed by Council at the last meeting he had made an inspection of the Bennett and Felmet Junk Yard and found that a large part of the property was outside of the City Limits and not within his jurisdiction. He said he would take action on the portion inside the City and would initiate proceedings to have them cleaned up.

Mr. Dick Plemmons, a resident of Hansel Street which is in the vicinity of the Bennett and Felmet Junk Yard, read a petition addressed to Johnson and signed by 20 or more residents of the area, seeking to have the junk yard declared a safety and health hazard.

Council assured Mr. Plemmons that every effort would be made to improve the conditions of the junk yard.

It was further explained that a new grievance Committee would be formed made up of an equal number of administrative and line staff, plus a neutral person agreeable to both groups. This committee would make recommendations on personnel and program matters.

It is our understanding that after a meeting on the dismissed workers, late Wednesday afternoon, that they intend to reapply for their jobs in the manner described and to participate in the grievance procedure outlined.

It now appears that the workers and the agency have made sound progress in getting together to work on their concerns.

MRS. ROY ROGERS - SENIOR OPPORTUNITY CENTER

Mrs. Roy Rogers appeared again in behalf of the Senior Opportunity Center. She said she just wanted to keep reminding Council that this was a good program that should be continued.

PROCLAMATION - YOUTH WEEK -MARCH 11-18

On behalf of Mayor Wood, Acting Mayor Colton proclaimed the week of March 11 -18 as Youth Week in North Carolina.

COUNCIL MEETING - MARCH 15, 1973 - EAST ASHEVILLE COMMUNITY CENTER

Councilman Morris moved that the meeting be adjourned to meet again on March 15, 1973 at 7:30 o'clock p. m., at the East Asheville Community Center. This motion was seconded by Councilman Hoyle and carried unanimously.

Adjournment

Richard D Wood Sr
MAYOR

William F. Merritt
CITY CLERK

STATUS REPORT - MODEL CITIES CHILD DEVELOPMENT PROJECT

Councilman Ochsenreiter reported to Council that the committee composed of Mayor Wood, Councilman Colton, and himself, appointed to investigate the grievances heard from workers of the Comprehensive Child Development Project at the previous Council meeting, had met with various groups and he was now prepared to give Council a committee report.

After Councilman Ochsenreiter completed the report, Acting Mayor Colton instructed the City Clerk to enter the entire report in the minutes. The report is as follows:

STATUS REPORT ON THE MODEL CITIES CHILD DEVELOPMENT PROJECT
March 8, 1973

At the regular meeting of the Asheville City Council on March 1, 1973 the City Council heard grievances from workers of the Comprehensive Child Development Project.

At this time the Council decided not to take any formal action either for or against the charges made, but instead, the Mayor appointed himself, Henry Colton, Gene Ochsenreiter to make up a special committee to familiarize themselves with the program and meet with the administrators of the project.

One of the committee's members visited all of the centers on Friday, March 2 and all members of the committee read the evaluations prepared by the State Department of Social Services and the Model Cities Evaluation Department, plus all the supporting documentation that had been prepared.

The three members of the Committee and Ernest Ward met with Margaret Coman, Wilhelminia Bratton and other program administrators on Friday, March 2. At this time the grievances were reviewed and the project activities were discussed in some detail. In this meeting it was also pointed out that employees of the Project are under the state merit system rules and regulations.

In order to obtain additional information from which an objective decision might be made about the future of the project Mrs. Coman suggested that she contact the State Department of Social Services office and that they send a representative to review the project and make recommendations.

On Monday, March 5 the committee met further with some of the representatives of the dismissed workers.

On Tuesday, March 6 representatives from the State Department of Social Services, the State Personnel Department, the Department of Housing and Urban Development, Area and Regional Offices and the Regional Office of Health, Education and Welfare met with the interested parties.

On March 7, Mrs. Coman met with five representatives of the dismissed employees, two representatives of the Department of Housing and Urban Development and representatives of the County Department of Social Services. At this time Mrs. Coman explained the conditions under which dismissed employees could return to their jobs. This being that they may reapply for their positions by notifying the State Personnel Department to put their names back on the register of eligibles. She stated that appointments will be made from that register.

ORDINANCE NO. 767 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED (Ralph W. Davis - Lot 40, Sheet 6, Ward 8)

3. Consideration was given to the second reading of Ordinance No. 767, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Ralph W. Davis- Lot 40, Sheet 6, Ward 8)

This ordinance would rezone Lot 40, Sheet 6, Ward 8, the property of Ralph W. Davis under option to Carolina Power and Light Company, from Residential to Industrial.

On a roll call vote of 7 - 0, Ordinance No. 767 passed on the second reading.

ORDINANCE NO. 768 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED (R. D. Hildebrand, Jr. and Katherine H. Long- Lot 20-1/2, Sheet 25, Ward 8)

4. Consideration was given to the second reading of Ordinance No. 768, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (R. D. Hildebrand, Jr. and Katherine H. Long- Lot 20-1/2, Sheet 25, Ward 8)

This ordinance would rezone a portion of Lot 20-1/2, Sheet 25, Ward 8, the property of R. D. Hildebrand and Katherine Long Hildebrand, from RA-6 Residential to Roadside Business.

Mrs. R. D. Hildebrand, wife of one of the petitioners, explained that the lot was to be used as parking for the Mountaineer Tourist Court and that there would not be an entrance from Beaucatcher Road.

On a roll call vote of 7 - 0, Ordinance No. 768 passed on the second reading.

RESOLUTION NO. 73-26 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES LISTED BELOW

5. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish those dwelling houses known as 11 Baxter Street, 11 Clemmons Street, 34-1/2 Cope Street, 36 Cope Street, 22 Gaither Street, 166 Hazel Mill Road, 29 Latta Street, 39 Mt. Clare Avenue, 11-1/2 Short Street, 17 Trade Street and 138 Washington Road.

The City Manager was requested to read the resolution.

Upon motion of Councilman Colton, seconded by Vice-Mayor Marshall, Resolution No. 73-26 was unanimously adopted.

On setting the date for the public hearing for April 5, 1973 the City Manager reminded Mayor Wood that this was the date set for an area Council Meeting at South French Broad High School. Mayor Wood announced that he had just received word from the State Highway Commission that this was also the date set for the public hearing on highway matters in the area. He said he felt that the highway meeting should take priority and instructed the City Clerk to reschedule the area Council meeting for another date. The regular Council meeting would be held at 3:00 p. m. on April 5, 1973.

Complete text of Resolution No. 73-26 will be found in Resolution Book No. 7 at page 1.

Thursday - March 15, 1973 - 7:30 o'clock p. m.
East Asheville Community Center

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, Ralph D. Morris, Jr., Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of March 8, 1973 meeting.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall, the minutes of the March 8, 1973 meeting were approved as submitted.

ORDINANCE NO. 766 - AN ORDINANCE TO IMPROVE METHODS OF ELIMINATING LITTER THROUGHOUT THE CITY, SETTING FORTH THE DUTIES OF THE CODE ENFORCEMENT SECTION OF THE PUBLIC SAFETY DEPARTMENT AND PROVIDING PENALTIES FOR LITTERING AND FAILURE TO REMOVE WEEDS, GRASS, ABANDONED AND JUNK AUTOMOBILES AND MISCELLANEOUS REFUSE FROM PROPERTY

2. Consideration was given to the thirdaand final reading of Ordinance No. 766, an ordinance to improve methods of eliminating litter throughout the City, setting forth the duties of the Code Enforcement Section of the Public Safety Department and providing penalties for littering and failure to remove weeds, grass, abandoned and junk automobiles and miscellaneous refuse from property.

Corporation Counsel Robert J. Robinson advised Council that he would like to further amend the ordinance by adding in Section 3, Section 13-13 the sentence that appears in Section 13-15; "Any such item or items which remain on the same property of the same occupant for a period of fifteen (15) days after such occupant's conviction of violating this section shall be presumed to be abandoned and subject to being removed from the property by the building inspection department without further notice or summons; provided, this section shall not apply to authorized junk dealers." He further requested that the words "or those items described in Section 13-13 or Section 13-15 of this code," be inserted in Section 10, Section 14-3 paragraph (a) after the words "garbage or miscellaneous refuse."

Councilman Morris moved that Section 3 and Section 10 of the ordinance be amended as suggested by Mr. Robinson. Councilman Hoyle seconded this motion and it carried unanimously.

Council having been furnished with copies of the ordinance as amended did not request that it be read again.

On a roll call vote of 7-0, Ordinance No. 766 was passed on the third and final reading.

Complete text of Ordinance No. 766 will be found in Ordinance Book No. 6 at page 1[illegible].

Mr. Chris Moutos, owner of the Mountaineer Tourist Court, suggested that the traffic light at Tunnel Road and Kenilworth Road be eliminated. Mayor Wood informed him that Tunnel Road was under the jurisdiction of the State Highway Commission.

Mrs. Marie Ward of 24 Ball Mountain Road asked that something be done about the large number of dogs running loose in her neighborhood.

Mr. Roland McQuinn, 20 Arco Road, complained of a broken sewer on his property. He was advised that it would be repaired at the earliest possible date.

Mr. William Tennett said that the curbing on Beverly Road was a hazard as it confined traffic to a very narrow roadway. He asked that it be removed and the shoulders be built up. He also asked that a narrow section of roadway on N. Pershing Road be looked into in view of widening.

Adjournment.

Richard D Wood

MAYOR

William J. McCartney

CITY CLERK

RESOLUTION NO. 73-27 - RESOLUTION AUTHORIZING DIRECTOR OF FINANCE TO SELL SURPLUS EQUIPMENT USED IN THE OPERATION OF THE WATER DEPARTMENT

6. Consideration was given to a resolution authorizing Director of Finance to sell surplus equipment used in the operation of the Water Department.

The City Manager read the resolution and explained that all the equipment listed was of very little value and needed to be disposed of.

Upon motion of Councilman Dailey, seconded by Councilman Hoyle, Resolution No. 73-27 was unanimously adopted.

Complete text of Resolution No. 73-27 will be found in Resolution Book No. 7 at page 2.

DAMAGE CLAIM - MRS. MINNA HEGEMAN

The City Manager reported to Council that he had received a claim for damages from Mrs. Edna V. Ward on behalf of her sister Mrs. Minna Hegeman for injuries incurred in a fall on the sidewalk between John Carroll Company and Penny's Company.

Mayor Wood referred the claim to Corporation Counsel Robert J. Robinson for investigation.

DAMAGE CLAIM - JOHN DANIEL SNYDER

The City Manager reported to Council that he had received a claim for damages from Bruce A. Elmore, attorney for John Daniel Snyder, who claimed his client wrecked his automobile on McDowell Street after encountering a large patch of ice.

Mayor Wood referred the claim to Corporation Counsel Robert J. Robinson for investigation.

DAMAGE CLAIM - LEONARD MITCHELL

The City Manager reported to Council that he had received a claim for damages from Seymour Korn, attorney for Leonard Mitchell, who claimed his client had incurred serious injury due to a fall at the Asheville Airport.

Mayor Wood referred the claim to Corporation Counsel Robert J. Robinson for investigation.

PROCLAMATIONS

Mayor Wood proclaimed the week of March 11 - 17 as "Hire an Older Worker Week" and the week of March 18- 24 as "Poison Prevention Week."

QUESTIONS AND COMPLAINTS FROM AUDIENCE

At this time Mayor Wood opened the meeting for questions or complaints from the audience.

Alan Lang, Metropolitan Planning Staffer, read a memorandum from the Planning and Zoning Commission who recommended that the project be approved subject to water and sewer installation requirements recommended by R. R. Buirgy, City Water Department Engineer.

Mr. Wheeling was asked why the city was installing the water and sewer mains in this project rather than the Housing Authority and he responded that at some future date the single family dwellings could be purchased by individuals as in private developments.

Mayor Wood closed the public hearing at 3:30 o'clock p. m.

Councilman Colton moved that the site plan of the Asheville Housing Authority Project 7-11 Amendment (Oakley Housing Project), be approved subject to the water and sewer installation recommendations of R. R. Buirgy, City Water Department Engineer.

This motion was seconded by Councilman Morris and carried unanimously.

ORDINANCE NO. 767 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED (Ralph W. Davis - Lot 40, Sheet 6, Ward 8)

5. Consideration was given to the third and final reading of Ordinance No. 767, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Ralph W. Davis - Lot 40, Sheet 6, Ward 8).

Council having already been furnished with copies of the ordinance did not require the ordinance read again in its entirety.

On a roll call vote of 6 - 0, Ordinance No. 767 passed on the third and final reading.

Complete text of Ordinance No. 767 will be found in Ordinance Book No. 6 at page 8.

ORDINANCE NO. 768 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED (R. D. Hildebrand, Jr. and Katherine H. Long - Lot 20-1/2, Sheet 25, Ward 8).

6. Consideration was given to the third and final reading of Ordinance No. 768, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (R. D. Hildebrand, Jr. and Katherine H. Long - Lot 20-1/2, Sheet 25, Ward 8).

Council having already been furnished with copies of the ordinance did not require the ordinance read again in its entirety.

On a roll call vote of 6 - 0, Ordinance No. 768 passed on the third and final reading.

Complete text of Ordinance No. 768 will be found in Ordinance Book No. 6 at page 9.

Thursday - March 22, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, Ralph D. Morris, Jr., Ruben J. Dailey, J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Eugene C. Ochsenreiter, Jr.

1. Approval of minutes of March 15, 1973 meeting.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, the minutes of the March 15, 1973 meeting were approved as submitted.

PETITIONS ON NEW LIBRARY

2. As a courtesy, Mayor Wood deviated from the published agenda and recognized Mrs. Walter Boggs who, on behalf of the Friends of the Library, presented a petition signed by some 5,424 residents of both the city and county, requesting the City Council to consider in this years budget appropriations for a new Library Building. Council questioned Mrs. Boggs as to whether other municipalities in the county had been presented the same petitions and whether she felt the same petitioners would support a bond referendum for this purpose. Mayor Wood accepted the petition on behalf of the Council.

PETITION ON CIVIL SERVICE REQUIREMENTS FOR POLICE DEPARTMENT

3. Following Mrs. Boggs presentation Mayor Wood also recognized Mr. Robert Willson who, on behalf of the members of the Asheville Police Department and the Fraternal Order of Police, presented a petition and a resolution objecting to the five (5) point preferential advantage on promotional examinations given to police officers who reside inside the City Limits. The petition stated that the petitioners felt it was unfair and detrimental to the department to have this preferential five (5) point rule for city residents and requested that it be changed.

Mayor Wood accepted the petition on behalf of the Council.

PUBLIC HEARING - SITE PLAN HOUSING AUTHORITY PROJECT 7-11 AMENDMENT (OAKLEY HOUSING PROJECT)

4. A public hearing was held to consider the approval of a site plan of the City of Asheville Housing Authority Project 7-11 Amendment (Oakley Housing Project).

Mayor Wood opened the public hearing at 3:13 o'clock p. m.

The City Manager read the affidavit of publication setting the time and date for the public hearing.

Mr. Ray Wheeling, Asheville Housing Authority Director, reviewed the plans for the project and showed Council sketches of the proposed single family structures to be constructed on the site.

RESOLUTION NO. 73-28 - A RESOLUTION APPOINTING A CHAIRMAN AND AN ADDITIONAL MEMBER OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL

11. Consideration was given to a resolution appointing a chairman and an additional member of the City of Asheville Board of Alcoholic Control.

The City Manager read the resolution which appointed Mr. Fred Pearlman as Chairman of the ABC Board until his term expires November 13, 1973 and also appointed Mr. J. W. Byers as a member of the Board, to fill the unexpired term of Robert N. Grice, which term expires November 13, 1974.

Councilman Morris moved for the adoption of Resolution No. 73-28. This motion was seconded by Councilman Colton and carried unanimously.

Complete text of Resolution No. 73-28 will be found in Resolution Book No. 7 at page 4.

RESOLUTION NO. 73-29 - A RESOLUTION APPOINTING A MEMBER OF THE ASHEVILLE SCHOOL BOARD

12. Consideration was given to a resolution re-appointing Mrs. William T. Pennell to the Asheville School Board for a term of six years from and after the 1st day of April, 1973.

The City Manager read the resolution.

Councilman Morris moved for the adoption of Resolution No. 73-29. This motion was seconded by Councilman Hoyle and carried unanimously.

Complete text of Resolution No. 73-29 will be found in Resolution Book No. 7 at page 5.

AREA COUNCIL MEETING RE-SCHEDULED

Mayor Wood announced that due to a conflict with a public hearing being held by the State Highway Commission, the area Council meeting scheduled for April 5, 1973 at South French Broad Junior High School would be changed to May 10, 1973 at the same time and location.

MR. ROBERT McKAY - COMPLAINT

Mr. Robert McKay, 8 Garden Terrace, advised Council that he had seen the sketches for the renovation and fountain layout for Pritchard Park and there were no bus shelters included. He said as a senior citizen he would like Council to consider this in approving the plans.

Mayor Wood advised him that the Council had not seen the plans but would consider the bus shelters when the plans were submitted for approval.

Mr. McKay also called attention to the dangerous condition of the sidewalk on Merrimon Avenue in the vicinity of the branch office of the First Union National Bank.

Mayor Wood instructed the City Manager to investigate and report back next week on the action taken.

SALE OF PARCEL NO. 75 (McDOWELL STREET) IN EAST RIVERSIDE PROJECT N. C. R-48.

7. Consideration was given to the approval of the sale of Parcel No. 75 (McDowell Street) in the East Riverside Project N. C. R-48 to B. O. C. Company consisting of Dr. Carter S. Bagley, Dr. Ben R. Olinger and Dr. William B. Costenbader.

Mr. Ray Wheeling, Director of Asheville Housing Authority advised the Council that the development would consist of 10,000 square feet of office building at an estimated construction cost of $300,000.00. He said the bid price was the minimum of $46,725.00 or $.45 a square foot.

Councilman Dailey moved for the approval of the sale. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

SALE OF PARCEL NO. 110 (FREDRICK STREET) IN EAST RIVERSIDE PROJECT N. C. R-48

8. Consideration was given to the approval of the sale of Parcel No. 110 (Fredrick Street) in the East Riverside Project N. C. R-48 to Dr. Earl Sunderhaus.

Mr. Ray Wheeling, Director of Asheville Housing Authority, advised Council that the development would consist of 6100 square feet of office space at an estimated construction cost of $150,000.00 He said the price bid for the property was the minimum of $28,650.00 or $.70 per square foot.

Councilman Morris moved for the approval of the sale. This motion was seconded by Councilman Hoyle and carried unanimously.

CITY MANAGER'S REPORT ON RATES FOR CIVIC CENTER

9. The City Manager reported to Council that Jim Evans, Manager of the City Auditorium, had prepared a schedule of rates for the use of the new Civic Center Complex when it is opened and in operation. He said that it was necessary to consider the rates at this time as the scheduling of future events is now is progress.

The City Manager and Council briefly reviewed the schedule.

Mrs. Marie Earley, Chamber of Commerce Staff, asked for a clearer definition of the meaning of non-profit and non-commercial and she also asked that the 15% catering charge for conventions be more clearly defined.

Mayor Wood accepted the rate schedule as information and suggested that formal action be deferred until Council could have a chance for further study. He instructed the City Clerk to prepare a resolution so that Council could consider approving the rates at the next meeting.

RESIGNATION OF ROBERT N. GRICE, CHAIRMAN OF ASHEVILLE ALCOHOLIC BEVERAGE CONTROL BOARD

10. Mayor Wood acknowledged receipt of a letter of resignation from Robert N. Grice as Chairman of the Board of Asheville Alcoholic Beverage Control Board.

Thursday - March 29, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr. Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilmen Ruben J. Dailey and Henry E. Colton

1. Approval of minutes of March 22, 1973 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Morris, the minutes of the March 22, 1973 meeting were approved as submitted.

RESOLUTION NO. 73-30 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE AMENDING ORDINANCE NO. 752 IN ORDER TO CHANGE THE EFFECTIVE TERM OF EXTRA-TERRITORIAL APPOINTEES TO THE CITY PLANNING COMMISSION

2. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance amending Ordinance No. 752 in order to change the effective term of extra-territorial appointees to the City Planning Commission.

The City Manager read the resolution.

Councilman Dailey took his regular seat at 3:05 o'clock p. m.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 73-30 was unanimously adopted.

Complete text of Resolution No. 73-30 will be found in Resolution Book No. 7 at page 6.

RESOLUTION NO. 73-31 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE RELATING TO THE REVISAL OF ORDINANCE NO. 322, AS AMENDED, COMMONLY REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF ASHEVILLE

3. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance relating to the revisal of Ordinance No. 322, as amended, commonly referred to as the Zoning Ordinance of the City of Asheville.

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Vice-Mayor Marshall, Resolution No. 73-31 was unanimously adopted.

At this time Mayor Wood asked if any member of the Planning and Zoning Commission staff were present at the meeting. Receiving no response he directed the City Clerk to write a letter to the Chairman of the Planning and Zoning Commission on behalf of the Council expressing their disappointment that they did not have a staff member present when Council was taking up the question of perimeter zoning.

Complete text of Resolution No. 73-31 will be found in Resolution Book No. 7 at page 7.

MRS. ROY ROGERS AND MR. LUTHER THOMAS - EAST RIVERSIDE REDEVELOPMENT AREA

Mrs. Roy Rogers and Mr. Luther Thomas spoke on the conditions existing in the East Riverside Redevelopment Area. Mrs. Rogers was concerned with the paving and Mr. Thomas spoke at length on the condition of Nasty Branch and the broken sewers both above Nasty Branch and in the Black Streea area.

Mayor Wood asked for a thorough investigation of the sewers in both areas.

Adjournment.

Richard A. Wood, Jr.
MAYOR

William D. Malcolm
CITY CLERK

RESOLUTION NO. 73-34 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE AN EASEMENT IN FAVOR OF THE CAROLINA POWER AND LIGHT COMPANY

Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute an easement in favor of the Carolina Power and Light Company.

The City Manager was requested to read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, Resolution No. 73-34 was unanimously adopted.

Complete text of Resolution No. 73-34 will be found in Resolution Book No. 7 at page 10.

DOWNTOWN LIGHTING UPDATED

The City Manager asked C. R. Pinkston, Street Lighting Superintendent, to report on the upgrading of the street lighting in the downtown area. He cited several areas that have already been authorized for an increase from 21,000 lumen fixtures to 60,000 lumen lights. He said that if Council approves a $12,000 expenditure being submitted in the 1973-74 budget, the plans call for replacing 191 more downtown lights. He said this would give Asheville 200 new 60,000 lumen lights downtown.

Police Chief J. C. Hall commented that he was pleased with the upgrading program and stated that the citizen complaints about downtown incidents had been noticeably reduced since the program began about the first of the year.

MERRIMON AVENUE SIDEWALK

The City Manager reported that the sidewalk on Merrimon Avenue had been repaired temporarily and was in a safe condition at this time.

SEWERS IN THE NASTY BRANCH AND BLACK STREET AREAS

Jesse Jayne, of the Water and Sewer Maintenance Department, reported that the conditions of the sewers in the Nasty Branch and Black Street areas had been surveyed and breaks were being repaired. He said both lines were operating at this time but that a more thorough job is needed. This he said is being planned when more favorable construction weather will allow.

1973 PAVING PROGRAM

The City Manager reported that the 1973 paving program would be started Monday, April 2, with work scheduled for Hazel Mill Road, Montford Avenue, Wanetta and Roberts Streets.

NATIONAL MEAT BOYCOTT WEEK

Kathy Anderson, Chairman of the Asheville Meat Boycott Week, asked Council to endorse the Meat Boycott Week.

Councilman Ochsenreiter moved for the endorsement which was seconded by Councilman Dailey and passed unanimously.

RESOLUTION NO. 73-32 - RESOLUTION ESTABLISHING A RENTAL SCHEDULE FOR THE ASHEVILLE CIVIC CENTER

4. Consideration was given to a resolution establishing a rental schedule for the Asheville Civic Center.

The City Manager read the resolution.

Mr. Jim Evans, Manager of the City Auditorium, was present and having already distributed copies of the rental schedule to Council briefly reviewed the rates. He pointed out that the non-commercial rates would apply to non-profit organizations only and that the commercial rates would apply to non-profit organizations with an admission charge but the percentage would be waived. He further pointed out that the catering charge of 15% would be charged by the management for all catering.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, Resolution No. 73-32 was unanimously adopted.

Complete text of Resolution No. 73-32 will be found in Resolution Book No. 7 at page 8.

RESOLUTION NO. 73-33 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CAROLINA POWER AND LIGHT COMPANY FOR THE SUPPLY OF ELECTRICITY TO THE ASHEVILLE CIVIC CENTER.

5. Consideration was given to a resolution authorizing the Mayor to enter into an agreement with the Carolina Power and Light Company for the supply of electricity to the Asheville Civic Center.

The City Manager was requested to read the resolution.

Council was advised that the proposed rate schedule had been approved by the architects for the Civic Center.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Morris, Resolution No. 73-33 was unanimously adopted.

Complete text of Resolution No. 73-33 will be found in Resolution Book No. 7 at page 9.

PETITION FOR AN INCREASE IN TAXICAB RATES

Mr. Jack Cheesborough, attorney for the Asheville Taxicab Association, presented a petition on behalf of this organization requesting an increase in the taxicab rates in the City of Asheville. He read the petition which requested an increase in the fares from 75¢ for the first half maile to 75¢ for the first two fifths mile and 10¢ for each fifth mile thereafter and an increase in the waiting time from 15¢ to 20¢ for each two minutes. He cited the rise in operation costs in support of the petition.

The City Clerk and Corporation Counsel were instructed to prepare the necessary ordinance for Council's consideration at the next meeting.

Thursday - April 5, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., Eugene C. Ochsenreiter, Jr., Ruben J. Dailey, Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilmen J. W. Hoyle and Henry E. Colton

1. Approval of minutes of March 29, 1973 meeting.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, the minutes of the March 29, 1973 meeting were approved as submitted.

PUBLIC HEARING CONCERNING THE ADOPTION OF AN ORDINANCE DIRECTING THE HOUSING OFFICER TO PROCEED WITH THE DEMOLITION AND REMOVAL OF CERTAIN DWELLING HOUSES

ORDINANCE NO. 769 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 11 BAXTER STREET, 11 CLEMMONS STREET, 34-1/2 AND 36 COPE STREET, 22 GAITHER STREET, 166 HAZEL MILL ROAD, 29 LATTA STREET, 39 MT. CLARE AVENUE, 11-1/2 SHORT STREET, 17 TRADE STREET AND 138 WASHINGTON ROAD

2. A public hearing was held to consider the adoption of an ordinance directing the Housing Officer to proceed with the demolition and removal of 11 Baxter Street, 11 Clemmons Street, 34-1/2 and 36 Cope Street, 22 Gaither Street, 166 Hazel Mill Road, 29 Latta Street, 39 Mt. Clare Avenue, 11-1/2 Short Street, 17 Trade Street and 138 Washington Road.

Mayor Wood opened the public hearing at 3:02 o'clock p. m.

The City Manager was requested to read the affidavit of publication setting the time and date for the public hearing.

Mayor Wood requested that the names and addresses of the property owners and properties involved be identified and then asked Mr. J. E. Johnson, Building Inspector, to give a brief review of his findings in each case.

The public hearing was closed at 3:12 o'clock p. m. and the City Manager proceeded with the reading of the ordinance ordering the demolition.

Councilman Morris moved for the adoption of the ordinance which was seconded by Councilman Dailey. On a roll call vote of 5 - 0, Ordinance No. 769 carried on the first reading.

ORDINANCE NO. 770 - AN ORDINANCE AMENDING THE LICENSE SCHEDULE OF SECTION 15, ORDINANCE NO. 495, THE REVENUE ORDINANCE OF THE CITY OF ASHEVILLE BY REMOVING NATIONAL BANKS EXEMPTION

3. Consideration was given to an ordinance amending the license schedule of Section 15, Ordinance No. 495, the Revenue Ordinance of the City of Asheville by removing national banks exemption.

The City Manager was requested to read the ordinance.

Vice-Mayor Marshall moved for the adoption which was seconded by Councilman Ochsenreiter. On a roll call vote of 5-0, Ordinance No. 770 passed on the first reading.

Mayor Wood on behalf of the Council proclaimed the week of April 1 - 7, 1973 as National Meat Boycott Week.

PROPOSED PLANNING FOR PRITCHARD PARK

The City Manager reported that Ray Kisiah, Director of the Parks and Recreation Department would make a report next week on the proposed plans for re-doing Pritchard Park.

Adjournment.

Richard D. Wood, Jr.
MAYOR

William F. Malecek
CITY CLERK

GERBER PRODUCTS COMPANY WASTE

The City Manager announced that after April 23, 1973 the waste from the Gerber Products Company, now being dumped on the City of Asheville's land fill by the Metropolitan Sewerage District, will no longer be accepted. He said that he had so advised Greer Johnson, Engineer-Manager of the Metropolitan Sewerage District, and Curtis Ratcliff, Chairman of the Buncombe County Board of Commissioners.

FALL AND SPRING PAVING PROGRAM

The City Manager submitted the list of streets scheduled for paving this spring and early next fall. He said the total cost of the program would be $281,331 to be funded with the $200,000 authorized by Council from revenue sharing funds and the remainder from the 1972-73 paving appropriation.

Councilman Morris asked the City Manager to check into the feasibility of lowering or reworking the curb on Beverly Road between US 70 and Haw Creek Road.

MUNICIPAL GOLF COURSE COUNTY MEMBERSHIPS

Councilman Ochsenreiter complimented Mr. Kisiah on the condition of the Municipal Golf Course. He suggested that appropriate signs be placed in front of the greens to direct the golfers using carts not to get too close to the greens.

Mayor Wood requested Mr. Kisiah to take up with the Parks and Recreation Advisory Board the possibility of issuing annual memberships to non-city residents. He asked him to report back to Council the Advisory Board's recommendation.

Adjournment.

Richard N. Wood

MAYOR

Marian F. Metcalf

CITY CLERK

ORDINANCE NO. 771 - AN ORDINANCE AMENDING SECTION 27-8 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE RELATING TO FARES PRESCRIBED FOR TAXICABS

4. Consideration was given to an ordinance amending Section 27-8 of the Code of Ordinances of the City of Asheville relating to fares prescribed for taxicabs.

The City Manager was requested to read the ordinance.

There were no objections to the ordinance as presented with the exceptions of a need for clarification of the twenty cent waiting time as defined in Section 1, paragraph 3. Councilman Ochsenreiter moved that this section be amended to read "for each two minutes of waiting time or fraction after the first two minutes." This motion was seconded by Councilman Dailey and carried unanimously.

Councilman Ochsenreiter moved for the adoption of the ordinance as amended which was seconded by Vice-Mayor Marshall.

On a roll call vote of 5 - 0, Ordinance No. 771 passed on the first reading.

REPORT ON THE PROPOSED IMPROVEMENTS TO PRITCHARD PARK

5. The City Manager called on Ray Kisiah, Director of Parks and Recreation, to report on the proposed plans to renovate Pritchard Park. He told Council that the original plan to build a fountain had evolved into a complete re-doing of the park to include new brick pavement, a fountain and complete replacement of benches and shrubbery. He presented two preliminary estimates for a total cost of $54,319.00 if done by contract or $45,000 to $50,000 if some city labor were used. He said the money on hand included a $5,000.00 gift from the Central Asheville Association, $5,000.00 in matching federal funds and $20,000.00 allocated by Council from federal revenue sharing funds.

Frank Coxe, representing the Central Asheville Association, endorsed the project and told Council that this was once in a lifetime proposition.

After some discussion, Councilman Ochsenreiter moved that plans and specifications be prepared in accordance with the recommendations of the Parks and Recreation Department. This motion was seconded by Councilman Morris and carried unanimously.

Mayor Wood instructed Mr. Kisiah to consider the construction of bus shelters in the future planning.

Councilman Ochsenreiter moved that the City Manager be authorized to employ Coulter and Associates, Landscape Architects, to draw the plans and specifications preparatory to asking for bids on the project. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

ASHEVILLE ORIOLES LEASE FOR McCORMICK FIELD

The City Manager reported that the Parks and Recreation Department had received a request from the Asheville Orioles Baseball Club to renew their lease on McCormick Field through September 30, 1973. The only exception in their request was to be allowed to increase the combined salaries of the manager and his wife from $14,000 to $16,500. Mr. Kisiah and the Corporation Counsel, Robert J. Robinson, concurred in recommending that the lease be renewed with the exception.

Councilman Dailey moved to extend the lease as requested. Councilman Morris seconded the motion and it was carried unanimously.

Not receiving a motion to this effect, Vice-Mayor Marshall called for only the second reading.

On a roll call vote of 5 - 0, Ordinance No. 771 passed on the second reading.

BIDS - ONE (1) 25 CU. YARD FRONT END HYDRAULIC PACKER TYPE BODY

5. Consideration was given to a bid received March 5, 1973 for a 25 cubic yard front end hydraulic packer type body for the Sanitary Department.

The City Manager read a memorandum from J. R. McMahan, Purchasing Agent, explaining that G & W Equipment Company was low bidder at $10,900.00 and that considerable time had been spent in checking out the equipment before he and Mr. Cocke recommended acceptance of the low bid.

Councilman Morris moved that the low bid be accepted and that G & W Equipment Company be awarded the contract in the amount of $10,900.00. Councilman Ochsenreiter seconded the motion and it carried unanimously.

Bid Summary

Item #18 - Bid Request #164 - 25 cubic yard Hydraulic Packer

Bidder	Bid Price
G & W Equipment Company	$ 10,900.00
Sanco Corporation	12,549.00
Quality Equipment and Supply Company	11,200.00

BIDS- SUMMER UNIFORMS-POLICE DEPARTMENT AND WORK UNIFORMS FOR FIRE DEPARTMENT

6. Consideration was given to bids received April 5, 1973 for summer uniforms for the Police Department and work uniforms for the Fire Department.

The City Manager read a memorandum from J. R. McMahan, Purchasing Agent, recommending that the contract for the summer uniforms for the Police Department be awarded to the low bidder, the Asheville Army Store, and that the contract for the work uniforms for the Fire Department be awarded to the low bidder, Stinnette Uniform Sales.

Councilman Hoyle moved that the recommendation of the Purchasing Agent be accepted, awarding the contract for the Police Department uniforms to the Asheville Army Store in the amount of $6,349.89 and awarding the contract for the Fire Department uniforms to Stinnette Uniform Sales in the amount of $3,152.55. Councilman Dailey seconded the motion and it carried unanimously.

Bid Summary

Bid Request #169 - Summer Uniforms- Police Department -- Work Uniforms-Fire Department

Bidder	Bid Item I	Bid Item II
Asheville Army Store	$6,105.66 plus tax	$3,061.08 plus tax
Stinnette Uniform Sales	6,127.20 plus tax	3,031.30 plus tax
The Hub Uniform Company	N. B.	3,045.30 plus tax

Thursday - April 12, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Vice-Mayor Calvin W. Marshall, Presiding; Councilman Ralph D. Morris, Jr. Eugene C. Ochsenreiter, Jr., Ruben J. Dailey, J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/ City Clerk William F. Wolcott, Jr.

Absent: Mayor Richard A. Wood, Jr. and Councilman Henry E. Colton

1. Approval of minutes of April 5, 1973 meeting.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, the minutes of the April 5, 1973 meeting were approved as submitted.

ORDINANCE NO. 769 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 11 BAXTER STREET, 11 CLEMMONS STREET, 34-1/2 AND 36 COPE STREET, 22 GAITHER STREET, 166 HAZEL MILL ROAD 29 LATTA STREET, 39 MT. CLARE AVENUE, 11-1/2 SHORT STREET, 17 TRADE STREET AND 138 WASHINGTON ROAD

2. Consideration was given to the second reading of Ordinance No. 769, an ordinance directing the Housing Officer to proceed with the demoliton and removal of 11 Baxter Street, 11 Clemmons Street, 34-1/2 and 36 Cope Street, 22 Gaither Street, 166 Hazel Mill Road, 29 Latta Street, 39 Mt. Clare Avenue, 11-1/2 Short Street, 17 Trade Street and 138 Washington Road.

The City Manager was requested to read the names of the owners and the location of the properties to be demolished.

On a roll call vote of 5 - 0, Ordinance No. 769 passed on the second reading.

ORDINANCE NO. 770 - AN ORDINANCE AMENDING THE LICENSE SCHEDULE OF SECTION 15, ORDINANCE NO. 495, THE REVENUE ORDINANCE OF THE CITY OF ASHEVILLE BY REMOVING NATIONAL BANKS EXEMPTION

3. Consideration was given to the second reading of Ordinance No. 770, an ordinance amending the license schedule of Section 15, Ordinance No. 495, the revenue ordinance of the City of Asheville by removing national banks exemption.

On a roll call vote of 5 - 0, Ordinance No. 770 passed on the second reading.

ORDINANCE NO. 771 - AN ORDINANCE AMENDING SECTION 27-8 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE RELATING TO FARES PRESCRIBED FOR TAXICABS

4. Consideration was given to the second reading of Ordinance No. 771, an ordinance amending Section 27-8 of the Code of Ordinances of the City of Asheville relating to fares prescribed for taxicabs.

Mr. Jack Cheesborough, attorney for the Taxicab Association asked Council to consider passing the ordinance at this meeting by having the second and third reading on the same day.

RESOLUTION NO. 73-35 - RESOLUTION AUTHORIZING THE MAYOR OR VICE-MAYOR TO EXECUTE MUTUAL TERMINATION OF LEASE AGREEMENT WITH CAROLINA POWER AND LIGHT COMPANY

9. Consideration was given to a resolution authorizing the Mayor or Vice-Mayor to execute mutual termination of lease agreement with Carolina Power and Light Company.

The City Manager read the resolution which authorized the Mayor to sign a mutual agreement between the City of Asheville and Carolina Power and Light Company to terminate the lease on 320 acres of land known as Lake Julian.

Councilman Morris moved for the adoption of the resolution. Councilman Hoyle seconded this motion and it carried unanimously.

Complete text of Resolution No. 73-35 will be found in Resolution Book No. 7 at page 11.

EAST ASHEVILLE COMMUNITY CENTER - PETITION FROM RESIDENTS OF LYNNSTONE COURT

Mr. Robert Donnelly presented a petition signed by a number of residents of Lynnstone Court, a residential street adjacent to the East Asheville Community Center, objecting to the construction of a basketball court in rear of the center and requested that all construction be stopped immediately and that the area proposed for the court be maintained in its original state unless the property owners are notified before hand. Mr. Donnelly went on to say that the teen agers who gather around the center disturb the neighborhood and the construction of a basketball court would only intensify the unbearable conditions.

Mr. James Thomas, also a resident of Lynnstone Court, collaborated the statement of Mr. Donnelly and added that he thought the recreation program was the wrong type for teen agers.

Vice-Mayor Marshall thanked the residents for bringing the matter to Council's attention and assured them the matter would be investigated.

ENVIRONMENTAL REPORT - WACHOVIA BANK

Miss Denise Suberati, on behalf of the Wachovia Bank and Trust Company, presented each Councilman with the August - October, 1972 issue of Wachovia. It featured "the goodliest land" a report on our environment.

Adjournment.

Richard D. Wood Sr.
MAYOR

William J. Moriarty
CITY CLERK

BIDS - LUMBER - PARKS AND RECREATION DEPARTMENT

7. Consideration was given to bids received April 10, 1973 for 6000 lin. feet of salt treated lumber for use in the Parks Program.

The City Manager read a memorandum from J. R. McMahan, Purchasing Agent, advising him that since only two bidders submitted bids on the first request bids were re-advertised and received again on April 10, 1973. On the second request he said he received two bids and recommended the low bid of Southern Wood Piedmont Company in the amount of $3,619.20.

Councilman Hoyle moved that the Purchasing Agent's recommendation be accepted and that the contract be awarded to Southern Wood Piedmont Company in the amount of $3,619.20. Councilman Morris seconded this motion and it carried unanimously.

Bid Summary

Bid Request #166 - 600 lin. feet salt treated lumber

Bidder	Bid
Koppers Company, Inc.	$ 4,842.24
Southern Wood Piedmont Company	3,619.20

BIDS - GLAZED BLOCKS FOR PARKS AND RECREATION DEPARTMENT

8. Consideration was given to bids received April 10, 1973 for glazed blocks for the Parks and Recreation Department.

The City Manager read a memorandum from J. R. McMahan, Purchasing Agent, advising him that since only two bids were received when they were originally called for on March 30, 1973, they were re-advertised and opened again on April 10, 1973. Two bids were again received and William Bird Sales Corporation was the low bidder, bid price $18,196.82. He recommended awarding the contract to William Bird Sales Corporation.

Councilman Ochsenreiter moved that the recommendation of the Purchasing Agent be accepted and that the contract be awarded to William Bird Sales Corporation in the amount of $18,196.82. Councilman Morris seconded the motion and it carried unanimously.

Bid Summary

Bid Request #165 - Glazed Block for Parks and Recreation Department

Bidder	Bid
William Bird Sales Corporation	$ 18,196.82
Concrete Products Company	22,995.40 Bid out of order- No 5% deposit

Nick Kmecza, Director of Planning, was requested to review the revised ordinance. With the use of color coded maps he outlined the differences between the zoning ordinance in use today and the proposed amended version. He described the new designations to be applied to the zoning districts but stressed that the uses and conditions now permitted would change appreciably. He also pointed out that a floodway district would be included in the new ordinance. Mr. Kmecza fielded many questions from Council and at the conclusion Mayor Wood suggested that Council should spend several work sessions with the planners in reviewing the revisions in detail before taking any action.

Councilman Morris moved that the public hearing be continued, without further public notice, until the regular meeting on May 17, 1973. This motion was seconded by Councilman Ochsenreiter and carried unanimously. Mayor Wood thanked Mr. Kmecza and complimented him on his presentation.

ORDINANCE NO. 769 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 11 BAXTER STREET, 11 CLEMMONS STREET, 34-1/2 AND 36 COPE STREET, 22 GAITHER STREET, 166 HAZEL MILL ROAD, 29 LATTA STREET, 39 MT. CLARE AVENUE, 11-1/2 SHORT STREET, 17 TRADE STREET AND 138 WASHINGTON ROAD

4. Consideration was given to the third reading of Ordinance No. 769, an ordinance directing the Housing Office to demolish those houses known as 11 Baxter Street, 11 Clemmons Street, 34-1/2 and 36 Cope Street, 22 Gaither Street, 166 Hazel Mill Road, 29 Latta Street, 39 Mt. Clare Avneue, 11-1/2 Short Street, 17 Trade Street and 138 Washington Road.

Mayor Wood announced that since Council had previously been furnished with copies of the ordinance it would not be read in its entirety. He did request that the City Manager read the names of the property owners and the address of the houses to be demolished.

On a roll call vote of 6 - 0, Ordinance No. 769 passed on the third and final reading.

Complete text of Ordinance No. 769 will be found in Ordinance Book No. 6 at page 10.

ORDINANCE NO. 770 - AN ORDINANCE AMENDING THE LICENSE SCHEDULE OF SECTION 15, ORDINANCE NO. 495, THE REVENUE ORDINANCE OF THE CITY OF ASHEVILLE BY REMOVING NATIONAL BANKS EXEMPTION

5. Consideration was given to the third and final reading of Ordinance No. 770, an ordinance amending the license schedule of Section 15, Ordinance No. 495, the revenue ordinance of the City of Asheville by removing national banks exemption.

Mayor Wood announced that since Council had previously been furnished with copies of the ordinance it would not be read again in its entirety.

On a roll call vote of 6 - 0, Ordinance No. 770 passed on the third and final reading.

Complete text of Ordinance No. 770 will be found in Ordinance Book No. 6 at page 14.

Thursday - April 19, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Councilmen Henry E. Colton, Ralph D. Morris, Jr. Eugene C. Ochsenreiter, Jr., Ruben J. Dailey, J. W. Hoyle, Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Calvin W. Marshall

1. Approval of minutes of April 12, 1973 meeting.

Upon motion of Councilman Dailey, seconded by Councilman Hoyle, the minutes of the April 12, 1973 meeting were approved as submitted.

PUBLIC HEARING - AMENDMENT TO ORDINANCE NO. 752 RELATING TO THE TERM OF EXTRA-TERRITORIAL MEMBERS ON THE CITY PLANNING COMMISSION

ORDINANCE NO. 772 - AN ORDINANCE AMENDING ORDINANCE NO. 752 AND EXTENDING THE TERM OF OFFICE OF THE ORIGINAL EXTRA-TERRITORIAL APPOINTEES TO THE "CITY PLANNING COMMISSION"

2. A public hearing was held to consider the adoption of an ordinance amending the terms of Ordinance No. 752 as it relates to the term of extra-territorial members on the City Planning Commission.

Mayor Wood opened the public hearing at 3:07 o'clock p. m. and asked the City Manager to read the affidavit of publication setting the time and place for the hearing.

Corporation Counsel Robert J. Robinson explained to Council that the purpose of the ordinance was to prevent the term of office of the extra-territorial appointees from expiring before the extra-territorial zoning could be enacted.

Mayor Wood closed the public hearing at 3:07 o'clock p. m.

Councilman Morris moved for the adoption of the ordinance, which was seconded by Councilman Colton. On a roll call vote of 6 - 0, Ordinance No. 772 passed on the first reading.

PUBLIC HEARING - AMENDING AND REVISING ORDINANCE NO. 322, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF ASHEVILLE

3. A public hearing was held concerning the adoption of an ordinance amending and revising Ordinance No. 322, as amended, the Zoning Ordinance of the City of Asheville.

Mayor Wood opened the public hearing at 3:08 o'clock p. m. and requested the City Manager to read the affidavit of publication setting the time and date for the hearing.

Logan Delany, Model Cities Director, read a resolution passed by the Model Cities Commission in which they recommended to Council the programs they felt should be deleted and the budget adjustments necessary to meet the respective funding levels for operation of the Third Action Year Plan of the Comprehensive Cities Demonstration Program. He then reviewed each individual project and answered questions from Council relative to the phasing out of certain programs and the reallocation of the next years funds for the remaining projects. A new project, entitled Neighborhood Centers, with a $361,068 budget was questioned extensively by Council. Mr. Delany explained that this would establish 3 multi-purpose neighborhood centers that would fill a need for some program to take over when Model Cities is phased out. He said all the details had not been worked out but that he would furnish Council with the information at a later date.

Mayor Wood stated that it was obvious that Council could not attempt to take any action at this time. He said more information and further study would be needed. He requested Mr. Delany to furnish this information.

Mr. Fred Brewer, Director of the Senior Opportunities Project spoke in favor of this program and asked Council for an opportunity to consult with them and to furnish such information as Council might need in making their decision to fund this program.

Mrs. Oralene Simmons, a Model Cities Commissioner, told Council that she was concerned that a Neighborhood Center was not being planned for the Montford Park area.

Mrs. Nola Knuckles, a former Model Cities Commissioner, also voiced her concern over the need for a Neighborhood Center in the Montford Area. She said that Mrs. Simmons had plans for such a center and asked Mrs. Simmons to make them available to Council.

Carl Johnson spoke critically of the Model Cities Program and the leadership to date. He said that every effort should be made to retain the employment level and not have a wholesale cut back of employees. He favored the Neighborhood Center concept.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR WATER STORAGE FACILITIES AND WATER LINE EXTENSIONS TO SERVE HERITAGE, INC. DEVELOPMENT "GLEN MEADOWS" ON BREVARD ROAD, AVERY CREEK TOWNSHIP

9. Consideration was given to a resolution authorizing the Mayor to execute an agreement for water storage facilities and water line extensions to serve Heritage, Inc. Development "Glen Meadows" on Brevard Road, Avery Creek Township.

The City Manager read the resolution and the recommendation of R. R. Buirgy, Water Department Engineer.

Councilman Morris questioned the City's right to commit to the maintenance of the water lines as stated in the agreement. He said that the Sullivan Act called for Buncombe County to maintain the lines outside the City Limits and he did not feel that the City should sign an agreement to maintain these lines.

ORDINANCE NO. 771 - AN ORDINANCE AMENDING SECTION 27-8 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE RELATING TO FARES PRESCRIBED FOR TAXICABS

6. Consideration was given to the third and final reading of Ordinance No. 771, an ordinance amending Section 27-8 of the Code of Ordinances of the City of Asheville relating to fares prescribed for taxicabs.

Mayor Wood announced that since Council had previously been furnished with copies of the ordinance it would not be read again in its entirety.

On a roll call vote of 6 - 0, Ordinance No. 771 passed on the third and final reading.

Complete text of Ordinance No. 771 will be found in Ordinance Book No. 6 at page 16 .

WATER SERVICE REQUEST - FIRST ATLANTA EQUITY CORPORATION - WATER SERVICE TO A PROPOSED MOTEL SITE AT THE ASHEVILLE AIRPORT INTERCHANGE ON I-26

7. The City Manager advised Council that he had received a request from the First Atlanta Equity Corporation for water service for a proposed motel to be located at the Airport Interchange on I-26. He said that since the property in question was located in Henderson County it was his recommendation to either refuse the service or to work out some plan so that Hendersonville Water Department could service this facility.

Councilman Colton supported the latter recommendation as he felt that the continued servicing of water users beyond the Buncombe-Henderson County line would not have a stopping point. He felt that the Hendersonville Water Department should be contacted and an effort be made to work out an agreement, similiar to the one now in effect with regard to the old Asheville Hendersonville Airport property in that Asheville could supply water at this time with the understanding that Hendersonville would take over the service when their lines are extended within the next 3 to 5 years.

Councilman Morris moved that the City Manager be instructed to contact the appropriate Hendersonville officials to ascertain their willingness to take over the service in this area, either now or in the future and to report his findings back to the Council. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

COUNCIL RECESSED FOR FIVE (5) MINUTE BREAK

At this time Mayor Wood recessed the Council meeting for a brief break and reconvened the meeting at 4:37 o'clock p. m.

AMENDMENTS TO THIRD ACTION YEAR MODEL CITIES PROGRAM

8. Consideration was given to the recommendations of the Model Cities Commission relative to the amendments to the Third Action Year Model Cities Program.

Thursday - April 26, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., Eugene C. Ochsenreiter, Jr., Ruben J. Dailey, J. W. Hoyle, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Henry E. Colton and Corporation Counsel Robert J. Robinson

1. Approval of minutes of April 19, 1973 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Ochsenreiter, the minutes of the April 19, 1973 meeting were approved as submitted.

ORDINANCE NO. 772 - AN ORDINANCE AMENDING ORDINANCE NO. 752 AND EXTENDING THE TERM OF OFFICE OF THE ORIGINAL EXTRA-TERRITORIAL APPOINTEES TO THE "CITY PLANNING COMMISSION"

2. Consideration was given to the second reading of Ordinance No. 772, an ordinance amending Ordinance No. 752 and extending the term of office of the original extra-territorial appointees to the "City Planning Commission".

Mayor Wood explained that since Council had previously been furnished with copies of the ordinance it would not be read again unless someone requested it.

On a roll call vote of 6 - 0, Ordinance No. 772 passed on the second reading.

RESOLUTION NO. 73-36 - RESOLUTION ESTABLISHING FILING FEE FOR 1973 ASHEVILLE MUNICIPAL PRIMARY AND ELECTION

3. Consideration was given to a resolution establishing filing fee for 1973 Asheville Municipal Primary and Election.

The City Manager read the resolution.

Councilman Dailey moved for the adoption of the resolution, which motion was seconded by Councilman Hoyle and carried unanimously.

Complete text of Resolution No. 73-36 will be found in Resolution Book No. 7 at page 12.

RESOLUTION AUTHORIZING MAYOR TO EXECUTE CONTRACTS FOR OPERATION OF AMUSEMENT FACILITIES AT ASHEVILLE RECREATION PARK

4. Consideration was given to a resolution authorizing Mayor to execute contracts for operation of amusement facilities at Asheville Recreation Park.

The City Manager read the resolution and was questioned by Council on several aspects of the contract, particularly as it pertained to the five year contract period. Mr. Kisiah being out of town was not available for questioning, therefore, Councilman Morris moved that the resolution be tabled until Mr. Kisiah's return. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

The City Manager recommended that the resolution be tabled until such time as this question could be resolved. Mayor Wood instructed him to investigate and report back as soon as possible.

PROCLAMATION - NATIONAL SECRETARIES WEEK

Mayor Wood proclaimed the week of April 22 - 28, 1973 as National Secretaries Week and Wednesday, April 25, 1973 as National Secretaries Day.

STATEMENT BY COUNCILMAN OCHSENREITER- COOPERATION BETWEEN CITY COUNCIL AND COUNTY COMMISSIONERS TO BETTER SERVE THE PEOPLE OF ASHEVILLE AND BUNCOMBE COUNTY

Councilman Ochsenreiter made the following statement:

"I think all of us are aware of the strain that local, state and federal governments are facing in providing services for the taxpayer, and we all recognize the steadily increasing costs in providing these services. In addition, in this period of great change and tremendous growth, I believe the people expect their elected representatives to provide leadership for new and better approaches to their problems. No doubt, there are many avenues to achieve this end. I would like to make a recommendation as a starting point . . . . that a joint meeting of the City Council of Asheville and the Commissioners of Buncombe County be held to discuss ways that might enable these governing bodies to better serve the people of Asheville and Buncombe County."

At the conclusion he moved that his recommendation be adopted. This motion was seconded by Councilman Hoyle and carried unanimously. Mayor Wood authorized him to contact the County Commissioners and pursue the suggestions of the joint meeting.

Adjournment.

Richard A. Wood, Jr.
MAYOR

Marian D. McCrary
CITY CLERK

The City Manager read the resolution.

Mayor Wood explained that the purpose of the resolution was to formally accept the federal grant and had nothing to do with the final decision on how it would be spent.

Upon motion of Councilman Dailey, seconded by Councilman Ochsenreiter, Resolution No. 73-40 was unanimously adopted.

Complete text of Resolution No. 73-40 will be found in Resolution Book No. 7 page 16.

RESOLUTION NO. 73-41 - RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO ACCEPT FEDERAL FUNDS FROM THE LAW ENFORCEMENT ASSISTANCE ACT TO ESTABLISH A CRIME PREVENTION UNIT IN THE ASHEVILLE POLICE DEPARTMENT

9. Consideration was given to a resolution authorizing the City of Asheville to accept federal funds from the Law Enforcement Assistance Act to establish a crime prevention unit in the Asheville Police Department.

The City Manager read the resolution.

Chief J. C. Hall recommended approval of the application and advised Council that the $59,148 grant would enable him to send four senior patrolmen into the community to discuss crime prevention with businessmen and property owners.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, the resolution was unanimously adopted.

Complete text of Resolution No. 73-41 will be found in Resolution Book No. 7 at page 18.

PROCLAMATION - MAY 1 - 7 - RESPECT FOR LAW WEEK

Mayor Wood proclaimed May 1 - 7, 1973 as "Respect for Law Week."

PROCLAMATION - APRIL 29 - MAY 5 - POSTAL WEEK

Mayor Wood proclaimed April 29 - May 5, 1973 as "Postal Week" in the City of Asheville.

COMPLAINTS ON NIGHT CLUB ON MERRIMON AVENUE

Several residents in the vicinity of a night club called "The Office", located at the corner of Merrimon Avenue and Edgewood Road, complained to Council of the noise, profanity and other improper conduct by night club customers. Among those speaking of the deplorable situation that has been going on for about two years were: Mr. Tom Muney, 33 Maney Avenue, Mr. Walter Ball, 660 Merrimon Avenue, and Mrs. George Steward, 95 Edgewood Road. All requested that immediate action be taken to abate the nuisance. Mrs. Herbert Haves said that the noise and the parking on Maney Avenue had caused her considerable inconvenience but she felt that with some persuasion Wade Hall, the owner of the night club, could be prevailed upon to turn the establishment into a more desirable place for young men and women.

RESOLUTION NO. 73-37 - RESOLUTION APPOINTING MEMBER TO THE ADULT ADVISORY BOARD OF THE ASHEVILLE BUNCOMBE COUNTY YOUTH COUNCIL

5. Consideration was given to a resolution appointing Mr. Thomas J. Kane, 287 Beaverdam Road, Asheville, North Carolina to the Asheville Advisory Board for the Asheville Buncombe County Youth Council.

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Morris, Resolution No. 73-37 was unanimously adopted.

Complete text of Resolution No. 73-37 will be found in Resolution Book No. 7 at page 13.

RESOLUTION NO. 73-38 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION FOR A WATER LINE ON ELIADA HOME ROAD, HAZEL TOWNSHIP, BUNCOMBE COUNTY

6. Consideration was given to a resolution authorizing the Mayor to execute right of way encroachment agreement with the North Carolina State Highway Commission for a water line on Eliada Home Road, Hazel Township, Buncombe County.

The City Manager read the resolution.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall, Resolution No. 73-38 was unanimously adopted.

Complete text of Resolution No. 73-38 will be found in Resolution Book No. 7 at page 14.

RESOLUTION NO. 73-39 - RESOLUTION AUTHORIZING THE CITY STREET DEPARTMENT TO TAKE OVER AND MAINTAIN FROM AND AFTER JUNE 18, 1973 STREETS AND ROADS WITHIN THE AREA ANNEXED TO THE CITY BY ORDINANCE NO. 743 BECOMING EFFECTIVE JUNE 18, 1973

7. Consideration was given to a resolution authorizing the City Street Department to take over and maintain from and after June 18, 1973 streets and roads within the area annexed to the City by Ordinance No. 743 becoming effective June 18, 1973.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 73-39 was unanimously adopted.

Complete text of Resolution No. 73-39 will be found in Resolution Book 7 at page 15.

RESOLUTION NO. 73-40 - RESOLUTION APPROVING THIRD YEAR ACTION PROGRAM AND AUTHORIZING AMENDMENT TO GRANT AGREEMENT

8. Consideration was given to a resolution approving Third Year Action Program and authorizing amendment to grant agreement.

Thursday - May 3, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., Eugene C. Ochsenreiter, Jr., Ruben J. Dailey, J. W. Hoyle, Henry E. Colton, Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of April 26, 1973 meeting.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, the minutes of the April 26, 1973 meeting were approved as submitted.

ORDINANCE NO. 772 - AN ORDINANCE AMENDING ORDINANCE NO. 752 AND EXTENDING THE TERM OF OFFICE OF THE ORIGINAL EXTRA-TERRITORIAL APPOINTEES TO THE "CITY PLANNING COMMISSION"

2. Consideration was given to the third and final reading of Ordinance No. 772, an ordinance amending Ordinance No. 752 and extending the term of office of the original extra-territorial appointees to the "City Planning Commission."

Copies of the ordinance having previously been furnished to Council it was not read again in its entirety.

Upon a roll call vote of 7 - 0, Ordinance No. 772 passed on its third and final reading.

Complete text of Ordinance No. 772 will be found in Ordinance Book No. 6 at page 17.

RESOLUTION NO. 73-42 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE CONTRACTS FOR OPERATION OF AMUSEMENT FACILITIES AT ASHEVILLE RECREATION PARK

3. Consideration was given to a resolution authorizing Mayor to execute contracts for operation of amusement facilities at Asheville Recreation Park.

Ray Kisiah, Director of Parks and Recreation, explained that the contracts were to cover the various amusement rides at the Recreation Park. He said that his recreation board had reviewed the contracts and both he and his board recommended approval. When asked by Council why the term was for five years, he explained that the owner of the amusement rides had considerable money tied up in the rides and needed this much time to recover his investment. However, he told Council that the contract contained a six (6) months cancellation clause in favor of both parties.

Mayor Wood requested the City Manager to read the resolution after which Councilman Colton moved for its adoption. Vice-Mayor Marshall seconded the motion and it was carried unanimously.

Complete text of Resolution No. 73-42 will be found in Resolution Book No. 7 at page 19.

Chief J. C. Hall collaborated the statements of the complainants and said he had personally investigated many complaints and had asked Mr. Wade Hall's cooperation to no avail. He said that several arrests had been made on drug abuse charges. He told Council that he did not have the authority to close the night club but that Council could revoke the beer license for this establishment.

Mayor Wood instructed the City Manager to confer with Chief Hall and try to arrive at some satisfactory solution. If a solution could not be reached to advise Corporation Counsel to arrange a hearing so that Council could consider revoking Mr. Wade Hall's on-premises beer license.

COMPLAINT - W. T. HARRIS - CONDITION OF MIDLAND DRIVE

Mr. W. T. Harris, 220 Midland Drive, reported to Council that there were several large "pot holes" in the pavement in Midland Drive.

Mayor Wood asked the City Manager to look into the matter.

Adjournment.

Richard A. Wood, Jr.
MAYOR

Miriam S. McCarthy
CITY CLERK

MODEL CITIES RESOLUTION DEFERRED

Mayor Wood announced that since the final item on the published agenda would involve the continuation of a previous work session before any action could be taken, he deferred this item until all other business was completed.

CITY MANAGER'S REPORT ON "THE OFFICE"

The City Manager reported that in accordance with Mayor Wood's instructions issued at the April 26th meeting he had met with Police Chief Hall, Fire Chief Ball, Corporation Counsel Robert J. Robinson, and Mr. Wade Hall, owner of "The Office" nightclub, and discussed the nuisance complaints made by the residents in the vicinity of Mr. Hall's establishment. He said Mr. Wade Hall was in the audience and would like to advise Council as to what had been done to alleviate some of the problems.

Mr. Wade Hall spoke to Council at length in defense of his operation. He said that an off duty policeman was employed to maintain order and that there were strict rules about carrying beer outside the club. He said it was difficult for him to control parking and noise beyond his premises but that he had made arrangements for his patrons to park in the filling station across the street. He also said that he was making an effort to control the litter problem by employing a man to clean up the premises every morning. He said he had not personally received more than one or two complaints but that he would be glad to meet with any of the complainants to discuss the problems.

Mrs. George Stewart, 95 Edgewood Road, who complained at the previous meeting said the situation had improved some but that the noise, litter and parking was still in evidence.

Several persons living in the area spoke in Mr. Hall's behalf and said they had not been disturbed by the operation of the night club.

Mayor Wood suggested that the City Manager write to the complainants explaining Mr. Hall's willingness to meet with them to discuss the problems and to advise them to contact Mr. Hall for such a meeting.

PETITION - PHILLIPS DEVELOPMENT CORPORATION TO ANNEX REYNOLDS MOUNTAIN PROPERTY

The City Manager presented to Council a petition he received from the Phillips Development Corporation, owners of the Reynolds Mountain Property, requesting annexation of this property to the City Limits.

Mayor Wood instructed the City Clerk to transmit the petition to the Planning and Zoning Commission for their study and recommendation. He asked that the Planning and Zoning Commission be advised that the City is in the process of revising its water and sewer extension policy and that the new policy might have some bearing on the petition.

PETITION - REZONING PROPERTY ON LEICESTER HIGHWAY

The City Manager presented a petition he received from The Ervin Company, Charlotte, North Carolina to rezone Lot 300 and 304, Ward 6, Sheet 20, from RA-6 to Commercial

Mayor Wood instructed the City Clerk to refer the petition to the Planning and Zoning Commission for their review and recommendation.

BIDS- ONE (1) 160 CFM HEAVY DUTY AIR COMPRESSOR

4. Consideration was given to bids received April 27, 1973 for (1) 160 CFM Heavy Duty Air Compressor for the Water Maintenance Department.

The City Manager read a recommendation from J. R. McMahan, Purchasing Agent, who recommended the low bid of $3,701.86 be awarded to Mitchell Distributing Company. Vice-Mayor Marshall questioned the advisability of purchasing a gasoline motor driven compressor over a diesel engine when the bid on the diesel engine was only approximately $365.00 more. It was his opinion that the deisel engine would be more efficient and cost less to maintain.

The City Manager was instructed to confer with Robert Brown, Water Maintenance Superintendent, to determine if he preferred the gasoline engine, if so, to find out his reasons and report back to Council at the next meeting.

Bid Summary

Second Bid Request #168 - One (1) 160 CFM Heavy Duty Portable Air Compressor - Mounted on Two Wheel Trailer

Item	Bidder	Bid
One (1) 160 CFM Heavy Duty Portable Air Compressor - Mounted on Two Wheel Trailer	Mitchell Distributing Co.	$ 3,887.26
Alternate #1 - Less Noise Reduction	Mitchell Distributing Co.	3,701.86
Alternate #2 - Less Noise Reduction- Skid Mounted	" " "	3,504.10
Alternate #3 - with Noise Equipment Skid Mounted	" " "	3,689.50
Alternate #4 - with Diesel Engine	" " "	4,501.14
Alternate #5 - with Diesel Engine Less Noise Reduction	" " "	4,315.74
Alternate #6 - with Diesel Engine Skid Mounted	" " "	4,302.35
Alternate #7 - Diesel Engine, Skid Mounted Less Noise Reduction	" " "	4,116.95
One (1) 160 CFM Heavy Duty Portable Air Compressor- mounted on Two Wheel Trailer - Diesel Engine	Asheville Construction Co.	$ 4,066.40

Thursday - May 10, 1973 - 7:30 o'clock p. m.
South French Broad High School

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., Ruben J. Dailey, J. W. Hoyle, Henry E. Colton, City Manager Ernest J. Ward, Jr.

Absent: Councilman Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, Assistant City Manager/City Clerk William F. Wolcott, Jr.

1. Approval of minutes of May 3, 1973 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, the minutes of the May 3, 1973 meeting were approved as submitted.

RESOLUTION NO. 73-44 - RESOLUTION ESTABLISHING REGULATIONS FOR THE OPERATION OF THE ASHEVILLE CIVIC CENTER

2. Consideration was given to a resolution establishing regulations for the operation of the Asheville Civic Center.

The City Manager went over the highlights of the regulations and Mayor Wood pointed out that these regulations would provide for a more careful control over ticket collections at the Civic Center and that a written application for reservations at the Civic Center would be required with a 25% deposit of the charge made before reservations could be confirmed.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Morris, Resolution No. 73-44 passed unanimously.

Complete text of Resolution No. 73-44 will be found in Resolution Book No. 7 at page 21.

BIDS - ONE (1) DIESEL CRAWLER LOADER AND ONE (1) HEAVY DUTY TRAILER

3. Consideration was given to bids opened May 7, 1973 for one (1) Diesel Crawler Loader and one (1) Heavy Duty Trailer for the Parks and Recreation Department.

The City Manager read a recommendation from J. R. McMahan, Purchasing Agent, and Ray Kisiah, Parks and Recreation Director, who recommended the low bid of Arden Equipment Company in the amount of $25,363.00 for Item # 1 and the low bid of Arden Equipment Company in the amount of $3,895.00 for Item # 2. The City Manager concurred in this recommendation and stated that this is one of the first items being purchased under the ordinance recently adopted by Council for Revenue Sharing funds.

Councilman Hoyle moved that the recommendations be accepted and that the contracts be awarded to Arden Equipment Company for Item #1 in the amount of $25,363 and Item #2 in the amount of $3,895. This motion was seconded by Councilman Dailey and carried unanimously.

GARBAGE COLLECTION - MOUNTAINSIDE APARTMENTS

Councilman Dailey reported to Council that he had complaints that the garbage collection to the Mountainside Apartments had not been satisfactory in the last few days.

The City Manager was instructed to look into the situation and take the necessary corrective action.

PROCLAMATION - NATIONAL HOSPITAL WEEK

Mayor Wood proclaimed the week of May 6 to May 12, 1973 as National Hospital Week.

RESOLUTION NO. 73-43 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT CONCERNING WATER STORAGE FACILITIES AND WATER MAINS EXTENDING THERETO AND ALONG BREVARD ROAD AND ROADS IN GLEN MEADOWS DEVELOPMENT TO SERVE SAID DEVELOPMENT, AVERY CREEK TOWNSHIP, BUNCOMBE COUNTY.

Mr. Ken Partin, President of Heritage, Inc. asked Council to consider the matter of extending water facilities to his Southwick Development in Avery Creek Township.

This matter came before Council at the April 19th meeting and was deferred at that time. Councilman Morris asked that it now be considered.

Mayor Wood asked the City Manager to read the resolution which would authorize him to enter into an agreement with Heritage, Inc. for the proposed water service.

Councilman Morris moved for the adoption of the resolution which was seconded by Councilman Colton and carried unanimously.

Complete text of Resolution No. 73-43 will be found in Resolution Book No. 7 at page 20.

ASHEVILLE BUNCOMBE COUNTY YOUTH COUNCIL - CITY PARTICIPATION DAY

At this time Mayor Wood adjourned the meeting in favor of the representatives of the Asheville Buncombe County Youth Council who conducted their own Council meeting as part of their program celebrating "City Participation Day" in City government.

Richard L. Wood

MAYOR

William J. Moloney

CITY CLERK

Bid Summary (cont'd)

Item	Bidder	Bid
Alternate #2 - Less Noise Reduction - Skid Mounted	Mitchell Distributing Co.	$ 3,504.10
Alternate #3 - with Noise Reduction - Skid Mounted	Mitchell Distributing Co.	3,689.50
Alternate #4 - with Diesel Engine	Mitchell Distributing Co.	4,501.14
Alternate #5 - with Diesel Engine Less Noise Reduction	Mitchell Distributing Co.	4,315.74
Alternate #6 - with Diesel Engine Skid Mounted	Mitchell Distributing Co.	4,302.35
Alternate #7 - Diesel Engine, Skid Mounted - Less Noise Reduction	Mitchell Distributing Co.	4,116.95
One (1) 160 DFM Heavy Duty Portable Air Compressor - mounted on Two Wheel Trailer - Diesel Engine	Asheville Construction Co.	4,066.40

ORDINANCE NO. 773 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE APPROPRIATING REVENUE SHARING TRUST FUNDS

The City Manager recommended to Council that an ordinance be passed to amend the Operating Budget of the City of Asheville appropriating Revenue Sharing Trust Funds in order to purchase a self-propelled paint striper at an approximate cost of $17,500 to replace an existing striper which is beyond the state of economic repair. The City Manager stated that funds necessary to purchase this piece of equipment have not heretofore been appropriated and it is needed immediately.

The City Manager read the ordinance and copies were furnished to Council.

Councilman Morris moved for the adoption of the ordinance, which was seconded by Councilman Colton.

On a roll call vote of 6 - 0, Ordinance No. 773 passed on the first reading.

Councilman Morris moved to suspend the rules and proceed with the second reading of Ordinance No. 773. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6 - 0, Ordinance No. 773 passed on the second reading.

Councilman Morris again moved to suspend the rules and proceed with the third and final reading of Ordinance No. 773. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

On a roll call vote of 6 - 0, Ordinance No. 773 passed on the third and final reading.

Complete text of Ordinance No. 773 will be found in Ordinance Book No. 6 at page 18.

Bid Summary

Bid Request #169 - One (1) Diesel Crawler Loader and One (1) Heavy Duty Trailer

Item #1 - One (1) Diesel Crawler Loader

Bidder	Bid
E. F. Craven Company	$33,781.00
Carolina Tractor and Equipment	28,749.00
Blue Ridge Tractor and Implement	29,500.00
Arden Equipment Company	25,363.00
Western Carolina Tractor and Equipment	36,439.31

Item #2 - One (1) Heavy Duty Equipment Trailer

Bidder	Bid
E. F. Craven Company	$ 5,230.00
Carolina Tractor and Equipment	4,736.00
Blue Ridge Tractor and Implement	5,000.00
Arden Equipment Company	3,895.00
Mitchell Distributing Company	3,942.68
Western Carolina Tractor and Equipment	4,324.50

BIDS - ONE (1) CFM HEAVY DUTY AIR COMPRESSOR

4. Consideration was given to bids received April 27, 1973 for one (1) 160 CFM Heavy Duty Air Compressor for the Water Maintenance Department.

These bids were carried over from last weeks meeting, at which time Mayor Wood instructed the City Manager to confer with Robert Brown, Water Maintenance Superintendent and make a comparison of the gasoline engine and the diesel engine.

The City Manager read a memorandum from Robert Brown to J. R. McMahan which outlined the comparison of the two engines. The City Manager said that the savings in fuel, using the diesel engine, would make it worthwhile to accept the second low bid, with the bid price difference being $179.24.

Councilman Morris moved that the bid be awarded to Asheville Construction Company in the amount of $4,066.40. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Bid Summary

Second Bid Request #168 - One (1) 160 CFM Heavy Duty Portable Air Compressor - Mounted on Two Wheel Trailer

Item	Bidder	Bid
One (1) 160 CFM Heavy Duty Portable Air Compressor - Mounted on Two Wheel Trailer	Mitchell Distributing Co.	$ 3,887.26
Alternate #1 - Less Noise Reduction	Mitchell Distributing Co.	3,701.86

Mayor Wood told members of the Western North Carolina Pilots' Association that the City Manager is studying and will soon make recommendations on the request for second fixed base operation.

QUESTIONS AND COMPLAINTS FROM AUDIENCE

Mrs. James Smith complained again about the Monteath auto storage yard located behind her house.

Mayor Wood advised Mrs. Smith that the Asheville Housing Authority's proposed amendment to the Urban Renewal Project calls for acquisition of the Monteath property, but the amendment has not been approved by the Department of Housing and Urban Development and until the acquisition takes place the storage yard is a permitted use and there was nothing that could be done at this time.

Mrs. Smith also complained that a tree on her property had blown down and she had called the Public Works Department five times to get them to pick up the limbs, but only part of them had been removed.

Mayor Wood asked the City Manager to look into the matter.

Mr. Carl Johnson spoke to Council regarding attracting small "pocket industries" to help people own their own homes and get jobs near their homes. He also asked Council to require trucks hauling garbage and other refuse to cover their trucks in a way that material would not fall off and become a road hazard.

Mr. Johnson also questioned Council on whether or not Thoms Cablevision, Inc. were meeting the requirements of the franchise. He said it was his understanding that Thoms Cablevision was to provide service to all residents within a certain period of time, but Hillcrest residents could not acquire this service.

Mayor Wood asked the City Manager to check with the City Attorney regarding the requirements of the franchise.

Mrs. Roy Rogers complained about the appearance of the property in the East Riverside Project.

Mrs. Lewis Dunlap complained of a leaking sewer line beside her house at 134 South Grove Street. Mr. J. E. Johnson, Chief Building Inspector, reported that his department had checked this complaint today and reported that the sewer line is on private property and the owners were notified to repair the line or vacate the premises by May 14, 1973.

Mr. Odell Irby of 141 Flint Street asked Council to act more quickly on complaints from the black communities.

Adjournment.

Richard D. Wood

MAYOR

William E. McCarty

CITY CLERK

RESOLUTION NO. 73- 45 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH DR. LOUIS C. WALLER AND WIFE SUE B. WALLER CONCERNING WATER MAIN EXTENSION ALONG SEDGEFIELD DRIVE IN WOODSIDE HILLS SUBDIVISION, LOWER HOMINY TOWNSHIP, BUNCOMBE COUNTY

Consideration was given to a resolution authorizing the Mayor to enter into an agreement with Dr. Louis C. Waller and wife Sue B. Waller concerning a water main extension along Sedgefield Drive in Woodside Hills Subdivision, Lower Hominy Township, Buncombe County.

The City Manager read the resolution.

Upon motion of Councilman Dailey, seconded by Councilman Hoyle, Resolution No. 73-45 was unanimously adopted.

Complete text of Resolution No. 73-45 will be found in Resolution Book No. 7 at page 22.

CITY MANAGER INTRODUCED STAFF MEMBERS

The City Manager introduced the members of his staff who were in attendance at the meeting.

WESTERN NORTH CAROLINA PILOTS' ASSOCIATION - REQUESTS

Mr. William E. Norwood, with the Western North Carolina Pilots' Association, read a prepared report, copies of which had been presented to Council, requesting approval of three different items. The report requested that approval be granted for the waiver of the boarding tax for the United Airlines sight seeing tours on May 26, that Council approve an airshow this year with their endorsement of an annual air show at the Asheville Airport, and approval be granted to the Western North Carolina Pilots' Association to operate the second Fixed Base Operation at the Asheville Airport.

Mr. J. T. Rice, also with the Western North Carolina Pilots' Association, commented that the May 26 sight seeing tour would be a local tourist flight and should be exempt from the boarding tax.

Mayor Wood told Mr. Norwood and Mr. Rice that he did not know if the present ordinance would allow the exemption of the boarding tax, if not then Council would have to consider amending the ordinance to allow for the exemption.

Mayor Wood instructed the City Manager to confer with Corporation Counsel Robert Robinson regarding the exemption of the boarding tax and to report back to Council.

Mr. Gary Taylor, Director of Aviation, told Council that he had met with the members of the Western North Carolina Pilots' Association and had suggested that an airshow not be scheduled until after the airport's new radar facility is installed, calibrated and commissioned. Mr. Taylor stated he did not know when this would be at this time.

Mr. Norwood stated the Western North Carolina Pilots' Association would have to give at least a 30 days notice to FAA before an airshow could be scheduled.

Councilman Hoyle moved for the approval of an airshow after the new radar facility is installed, calibrated and commissioned and to give the Western North Carolina Pilots' Association 30 days to schedule an airshow. This motion was seconded by Councilman Dailey and carried unanimously.

In the absence of a second to the motion, Councilman Morris moved to amend his motion for the Coca-Cola Bottling Company to provide these storage tanks within three years.

He also failed to receive a second to this motion.

After a lengthy discussion, Mayor Wood recommended that the Coca-Cola Bottling Company of Asheville contact the parent company's water engineers and arrange a meeting with the City Engineers to find a way to provide storage tanks or to find an alternate solution.

RESOLUTION NO. 73-46 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE CONTRACTS FOR CONSTRUCTION OF FEDERAL AVIATION ADMINISTRATION OFFICE AND SHOP BUILDING AT THE ASHEVILLE AIRPORT

4. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute contracts for construction of Federal Aviation Administration Office and shop building at the Asheville Airport.

The Assistant City Manager explained that the FAA maintenance personnel were displaced from the tower due to the airport's new radar facility being placed in the tower.

Gary Taylor, Director of Aviation told Council that competitive bids had been received for the construction of the building, but after changes were made in the plans by the Federal Aviation Administration, we had to request second bids. Mr. Taylor gave the final low bids as follows:

Merchant Construction Company	$ 39,246.00
Rogers Plumbing and Heating Company	4,360.00
Asheville Heating and Cooling	2,883.00
Asheville Electric Company	4,684.00

Councilman Morris moved to accept the low bids and award the contracts to Merchant Construction Company in the amount of $39,246.00; Rogers Plumbing and Heating Company (plumbing) in the amount of $4,360.00; Asheville Heating and Cooling (heating and air conditioning) in the amount of $2,883.00: and Asheville Electric Company (electrical) in the amount of $4,684.00, for a total of $51,173.00 for the construction of the Federal Aviation Administration office and shop building at the Asheville Airport. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Complete text of Resolution 73-46 will be found in Resolution Book 7 page 23.

RESOLUTION NO. 73-47 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENTS WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION FOR A WATER LINE ON N. C. 191 (BREVARD ROAD) AND A WATER LINE ON S. R. 3486 (GLENN BRIDGE ROAD), AVERY CREEK TOWNSHIP, BUNCOMBE COUNTY

5. Consideration was given to a resolution authorizing the Mayor to execute right of way encroachment agreements with the North Carolina State Highway Commission for a water line on N. C. 191 (Brevard Road) and a water line on S. R. 3486 (Glenn Bridge Road), Avery Creek Township, Buncombe County.

The Assistant City Manager read the resolution.

Upon motion of Councilman Hoyle, seconded by Councilman Dailey, Resolution No. 73-47 was unanimously adopted.

Complete text of Resolution No. 73-47 will be found in Resolution Book No. 7 at page 24.

Thursday - May 17, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., Ruben J. Dailey, J. W. Hoyle, Henry E. Colton, Corporation Counsel Robert J. Robinson, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Eugene C. Ochsenreiter, Jr., City Manager Ernest J. Ward, Jr.

1. Approval of minutes of May 10, 1973 meeting.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall, the minutes of the May 10, 1973 meeting were approved as submitted.

PUBLIC HEARING - AMENDING AND REVISING ORDINANCE NO. 322, THE ZONING ORDINANCE OF THE CITY OF ASHEVILLE

2. The public hearing relative to the adoption of an ordinance amending and revising Ordinance No. 322, as amended, the Zoning Ordinance of the City of Asheville which was continued from the April 19th meeting was reconvened at 3:02 o'clock p. m.

Councilman Morris moved that the public hearing be continued again without further advertisement until the May 31st meeting. This motion was seconded by Councilman Hoyle and carried unanimously.

APPLICATION FOR WATER SERVICE FOR COCA-COLA BOTTLING COMPANY

3. The Assistant City Manager read a letter from William C. Moore, Attorney for the Coca-Cola Bottling Company and J. W. Gilstrap, Assistant to the President of the Coca-Cola Bottling Company requesting water and sewer service to serve the new proposed Coca-Cola production facility to be located on Haywood Road in Arden, North Carolina. He also read a memorandum from R. R. Burgy, Water Department Engineer, which recommended that water service for the proposed facility be limited to 880 gpm and on this basis a 10-inch water line may be installed. However, this recommendation may cause the city to make drastic changes in the plans for future water service to this area.

Mr. Paul Warlick, President of the Asheville Coca-Cola Bottling Company and Mr. G. Bennett Warren, productions systems manager for the Asheville Coca-Cola Bottling Company spoke to Council in length relative to the water service needs for the proposed facility.

After being questioned by Council of the possibility of installing storage tanks on their property for the use of water or relocating to an area that could possibly service their needs better, Mr. Warlick stated that they could possibly build storage tanks but they would need time to do this, and time is of essence at this point. He said that they had not been able to find another location for the facility that could serve them as well as the proposed location.

Councilman Morris made a motion to approve the application for water service if the Coca-Cola Bottling Company would agree to build a storage tank that would provide for a three (3) day supply in order that the City could supply water seven days a week 24 hours a day without making such a heavy demand at peak hours.

PETITION - CEDAR HILL AND DEAVERVIEW SECTION - WATER PROBLEMS

Mr. J. W. Haynes and a group of residents from the Cedar Hill and Deaverview Road section presented a petition to Council asking for improved water service or construction of a reservoir on a mountain known as Viewmont Acres, formerly Deaverview Mountain. Mr. J. W. Haynes and G. W. Smith, owners of the mountain said they would agree to donate the property and right-of-way for construction of a new reservoir. The residents stated they were out of water the majority of the time.

The Assistant City Manager told the group that the City is in the process of installing a pump on Patton Avenue which should give some temporary relief.

Mayor Wood stated that he hopes to have money available in the 1973-74 budget to put a reservoir in the area and thanked Mr. Haynes and Mr. Smith for their offer to donate land for this purpose.

PROCLAMATION - SENIOR CITIZENS DAY - MAY 21

Mayor Wood proclaimed May 21, 1973 as Senior Citizens Day.

COUNCIL RECESSED FOR FIVE MINUTES

At this time Mayor Wood recessed the Council meeting for a five minute break.

RESOLUTION NO. 73-49 - RESOLUTION APPROVING AMENDMENT TO THIRD ACTION YEAR PLAN OF THE ASHEVILLE MODEL CITIES PROGRAM

Mayor Wood commented that the City Council had studied the Model Cities projects in detail over the past few weeks and that at this time the Council would review the projects one by one and make decisions regarding funding. Mayor Wood also stated that after members of the City Council had asked questions and commented about a project that a maximum of five minutes would be given for comments from members of the audience.

1. IMPROVED MASS TRANSIT

The Model Cities Commission had recommended no funding for this project and a phase-out date of June 30, 1973. Mayor Wood stated that the residents had ranked this project 5th in priority and it appeared that the continued availability of tickets and the additional route service was obviously needed. He therefore suggested adjusting the budget to increase the Commission's recommendation by $50,000, to be used as follows:

1) to provide a subsidy of $6.00 per hour 12 hours a day, 6 days a week for 308 days = $22,176.00; and
2) 111,296 bus tickets at 25¢ each = $27,824.00

This funding would represent a 50% reduction in cost of the subsidy which was approved in the original Third Action Year and a 3.57 reduction in the costs of bus tickets formerly approved.

Councilman Morris moved to adjust the budget to increase the Model Cities Commission recommendation by $50,000 to be used as the Mayor suggested. The motion was seconded by Councilman Dailey and carried unanimously.

RESOLUTION NO. 73-48 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION FOR A WATER LINE ALONG NORTH SIDE OF U. S. 70 BETWEEN MOFFIT AND BRIGGS ROADS, SWANNANOA TOWNSHIP, BUNCOMBE COUNTY.

6. Consideration was given to a resolution authorizing the Mayor to execute right of way encroachment agreement with the North Carolina State Highway Commission for a water line along north side of U. S. 70 between Moffit and Briggs Roads, Swannanoa Township, Buncombe County.

The Assistant City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, Resolution No. 73-48 was unanimously adopted.

Complete text of Resolution No. 73-48 will be found in Resolution Book No. 7 at page 25.

REPORT ON COMPLAINTS RECEIVED AT COUNCIL MEETING OF MAY 10, 1973

The Assistant City Manager reported that Mrs. James Smith complained about health hazards caused by storage of vehicles at Monteath's Storage Lot behind her house. Mr. Johnson, Chief Building Inspector, was instructed to investigate this complaint. Mr. Johnson reported that he had inspected the Monteath's Storage Lot and found the lot to be both clean and in good shape.

Mrs. Smith also complained about a tree which had been cut down and placed in an alley behind her house, only a portion of which had been removed and that other large parts of the tree still remained. Mr. Bud McHone, Superintendent of Sanitation, advised that he had removed the remaining parts of the tree on Friday, May 11, 1973.

In regard to Mr. Carl Johnson's request for information relative to the installation of additional cable television throughout the City of Asheville, particularly in the Hillcrest area, Mr. Robert J. Robinson, Corporation Counsel, reported that he had reviewed the franchise with Thoms Cablevision and that Thoms Cablevision was to offer service in the City of Asheville wherever practicable.

Mr. Thoms, President of Thoms Cablevision reading from a prepared statement said that there had been no requests for cablevision in the Hillcrest area. However, his company would make a survey of the requests and if 20% of the residents agree to purchase the service they will provide this service.

Mr. Thoms also read a progress report to Council on the status of the cablevision to date. He said with the addition of Channel 36, which they hope to have in the near future, there will be an added incentive for people to purchase cablevision and he looked for improvement in the future growth of the service.

PROCLAMATIONS - INSURANCE WOMANS WEEK AND BOARD OF REALTORS WEEK - MAY 20 - 26

Mayor Wood proclaimed the week of May 20 - 26 as Insurance Womans Week and Board of Realtors Week.

Councilman Colton moved to increase the budget by $92,132 and requested that the money be used in the four areas recommended, making a total of $168,017. This motion was seconded by Councilman Hoyle and unanimously adopted.

7. COMPREHENSIVE CHILD DEVELOPMENT PROGRAM

The Model Cities Commission had recommended $60,000 for this project and a phase out date of June 30, 1973.

In the absence of a motion to adjust the budget the Commission's recommendation was accepted in anticipation of Appalachian Regional Commission funds being sought by the Department of Social Services and the Buncombe County Child Development Council for the continuation of this project.

8. SUMMER LUNCH PROGRAM

The Model Cities Commission had recommended $15,098 for this project.

In the absence of a motion to adjust the budget for this project, the Commission's recommendation was accepted.

9. SANITATION PARTICIPATION

The Model Cities Commission had recommended $22,769 for this project, and a phase out date of June 30, 1973.

Based on comments presented to the Council at previous meetings and acknowledging the fact that more garbage collections are needed during the summer months. Councilman Morris moved to increase the budget by $24,000 which would pay salaries of employees to continue the twice a week garbage pick up during the months of July, August, and September, thus making a total of $46,769 for this project. This motion was seconded by Councilman Dailey and carried unanimously.

10. RELOCATION

The Model Cities Commission had recommended $12,000 for this project.

In the absence of a motion to adjust the budget the Commission's recommendation was accepted.

11. MODEL NEIGHBORHOOD RECREATION

The Model Cities Commission had recommended $30,000 for this project.

Ray Kisiah, Director of Parks and Recreation Department made a presentation requesting an additional $33,996 to support the following activities:

1. Subsidize Hilltop Center	$10,067
2. Basketball Program	6,608
3. Baseball and Softball	17,870
4. Youth Coordinators	20,130
5. Football	9,321
Total	$63,996

2. HOUSING

The Model Cities Commission had recommended no funding for this project.

In the absence of a motion to adjust the budget the Commission's recommendation was accepted.

3. INNER CITY CHALLENGE

The Model Cities Commission had recommended $6,186 for this project.

In the absence of a motion to adjust the budget the Commission's recommendation was accepted.

4. BOY SCOUTS

The Model Cities Commission had recommended $3,450 for this project.

During Council's previous review of this project, the Executive Director of the Boy Scouts requested that $2,292 be added to this project for the purpose of equipment and materials.

It was agreed that the equipment and materials would be vital to the success of the program and Councilman Morris thus moved to increase the budget by $2,292 making a total of $5,942. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

5. TEACHER AIDE

The Model Cities Commission recommended $167,685 for this project to operate through June 30, 1974.

Based on information received from the Asheville City Schools there are presently 39 students in the program of which 5 will graduate in June. In order that the 34 students remaining may continue in the program an additional $18,000 is needed.

Councilman Colton made a motion to increase the budget by $18,000 thus making a total of $185,685 for the program. This motion was seconded by Councilman Hoyle and carried unanimously with the understanding that no new enrollees will be accepted into the program unless they could complete their training within the life of the program and that any surplus monies within the project could be used for teacher aides presently under the Career Opportunities Program.

6. AFTER SCHOOL CENTERS

The Model Cities Commission had recommended a funding level of $75,885 and a phase out date of August 30, 1973 for this project.

Based on a presentation by the Asheville City Schools at a previous meeting it was requested that the following activities be funded through June 30, 1974.

1)	Kindergarten (Newton School)	$33,327
2)	Physical Education Teacher (Hill St. School)	10,764
3)	5 Home School Coordinators	29,825
4)	4 Tutor Aides	18,216
	Total	$92,132

Tuesday - May 22, 1973 - 3:00 o'clock p. m.

Special Called Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., Ruben J. Dailey, J. W. Hoyle, Henry E. Colton, Eugene C. Ochsenreiter, Jr.

Mayor Wood said that Ken Michalove would serve as Acting City Clerk.

Ken Michalove read the notice of the special meeting as being "for the purpose of considering approving amendments to the Third Action Year Plan of the Asheville Model Cities Program, and no other subject or subjects will be considered at this meeting."

Mayor Wood said that the same ground rules as established in Thursdays meeting would apply.

11. MODEL NEIGHBORHOOD RECREATION

In the absence of a motion regarding the adjustment of this budget it was decided to determine the funding after considering the other projects.

12. CONSOLIDATED HEALTH

The Model Cities Commission had recommended $300,244 for this project.

There was considerable discussion about: 1) The ordinary services of the Health Department as compared to those services of the Consolidated Health Project; 2) The potential income from Medicare and Medicaid and other sources; 3) The necessity to retain a sufficient number nurses on the staff; 4) The need to retain the center away from the central health department offices; 5) The fact that the Health Project was considered the number one priority of the Model Neighborhood residents; 6) The advisibility of continuing with the present administrative staff rather than switching to a Coordinator; 7) The role of the Health Advocates; and 8) a continually stressed need by the Health Department of a budget allocation of $357,000.

This discussion primarily involved Dr. H. W. Stevens, Director of the Health Department; Bill Jones, Director of the Consolidated Health Project; Logan Delany and members of City Council.

Mayor Wood observed that the costs of having two nurses and continuing the Director and Assistant Director through June 30, 1974 would amount to about $25,000 and that if the total budget was increased to $325,000 the amount would be about half way between what the Health Department requested and what the Commission recommended.

The Mayor indicated that unless he heard to the contrary the Council would set the budget at $325,000 and would not deal with the staffing and program content at this time. There was no comment to the contrary.

The Mayor further asked Mr. Jones to prepare and submit a budget to the Council at their May 31, 1973 meeting showing how the $325,000 would be used and what the responsibilities of the various staff members would be.

After considerable discussion about the details and operational aspects of these programs the Council decided to defer action on this program at this time.

There being a number of other programs to consider which would involve lengthy discussion Mayor Wood adjourned the meeting, to meet again at a Special Meeting on Tuesday, May 22, 1973 at 3:00 o'clock p. m.

Richard D. Wood
MAYOR

William D. Malcuit
CITY CLERK

Mayor Wood observed that the Agency had requested an additional $17,444, an amount necessary to operate the program from July 1, 1973 through June 30, 1974. The combination of the two budget figures making a total of $24,000 which was the revised Third Action Year Budget request submitted to the Model Cities Commission.

Dr. Stevens, Director of the Buncombe County Health Department and Dr. Ed Lyda, Physician for the Comprehensive Family Planning Program, spoke of the merits of the program and relevant cost factors.

Dr. Stevens pointed out that the $17,444 represented the local cash match required to attract the federal portion of the costs of the program. The federal funding bringing in $9 for every $1 of local cash. He indicated that his budget request had already been submitted when he had word of Model Cities Commission recommendation and that now was really too late in the budget process to obtain that amount of money.

However, he said that if the $17,444 could be allocated this year that the local matching should not be a problem in the future and that he would request funds from the County in his budget next year. There was also an indication that funds would be sought from Madison County as well.

Councilman Ochsenreiter moved to increase the budget by $17,444 to a new total of $24,000. The motion was seconded by Councilman Bailey and carried unanimously. By this action the program was also extended from June 30, 1973 through June 30, 1974.

15. OPERATION UPWARD TRAINING

The Model Cities Commission had recommended $19,883 for this project.

In the absence of a motion to adjust the budget the Commission's recommendation was accepted.

16. EMPLOYMENT PROGRAM

The Model Cities Commission had recommended $263,329 for this project.

Mr. Delany pointed out that there was a $2,585 calculation error in the budget and the total funding should be reduced by that amount.

Mayor Wood asked whether the person to fill the position of grantsman was someone now on the staff.

Mr. Delany said no, but also added that the salary budgeted would be adjusted proportionately to when the person came on the staff.

Councilman Morris moved to reduce the budget by $2,585 to a new total of $260,744 as recommended by Mr. Delany. The motion was seconded by Vice-Mayor Marshall and carried unanimously.

17. PROGRAM ADMINISTRATION

The Model Cities Commission had recommended $175,827 for this project.

Mr. Delany said that the Deputy Director and an accountant clerk had resigned and he did not intend to replace them. He therefore requested that the budget be reduced by $23,715 which represents the saving by not filling these positions.

The Mayor also asked Mr. Jones to submit to the Model Cities Commission and the City Council by August 1, 1973 a status report of reimbursement payments from Medicare and Medicaid, as well as, a status report of his progress in obtaining funding for the project from other sources.

13. SENIOR OPPORTUNITES

The Model Cities Commission recommended $152,332 for this project.

Mayor Wood questioned Mr. Brewer about the costs of the Meals-On-Wheels Program. He said he had estimated the costs of the Meals-On-Wheels Program at an average of $4,292 per month.

The Mayor pointed out that the City could not continue the program after the proposed termination date, and that it would not be right to lead those now receiving meals to believe that it would be possible to continue the program. The Mayor therefore, suggested that the Meals-On-Wheels Program be scheduled to terminate January 1, 1974 and the project budget be decreased by $25,752 to a total of $126,580.

The Mayor indicated that his suggestion was predicated on the fact that the President had signed the Older Americans Act and that there was a Nutrition Program associated with that Act. He further stated that he had been advised that guidelines and funding of this program would be available by January of 1974.

Fred Brewer, Director of the Senior Opportunities Program, spoke of the need to continue the Meals-On-Wheels Program and responded to questions regarding staffing, delivery and preparation of meals.

Councilman Hoyle asked that the staff look into the possibility of preparing the meals at Herring or Livingston Street School as a method of reducing costs and as a possible savings to their idea of purchasing kitchen equipment for the Grove Street Center. He further asked the staff to check with Mrs. James with the Asheville City Schools about preparing the meals at South French Broad School since Mrs. James had mentioned to him she could handle the service.

Based on the Mayor's suggestion Councilman Colton moved to run the Meals-On-Wheels Program until January 1, 1974 and reduce the budget accordingly based on the average monthly expense. The motion was seconded by Councilman Hoyle and passed unanimously.

Councilman Morris asked for a calculation on the cost of an evening meal as compared to the afternoon meal now being served and Mayor Wood suggested that the staff look at some new systems of distribution and preparation of food.

By this action the program was reduced by $25,752 based on an average monthly expense of $4,292 for six months. This brought the total funding level to $126,580.

14. FAMILY PLANNING

The Model Cities Commission recommended a funding level of $6,556 for this project and a phase out date of June 30, 1973.

Mr. Delany observed that unless a conscious improvement effort was put forth, the Montford Area could become a real problem in years to come. Mr. Delany stated that the residents were not thinking of an elaborate facility like Livingston Street and an ideal lot for the construction of the facility was already owned by the City. He indicated that the lot was on the corner of Gay and Pearson and had been originally purchased for a Tot Lot.

A general discussion developed involving Mrs. Simmons, Mr. Delany, Mayor Wood and Mr. Kisiah. Items discussed were - source and amount of operating costs for a center in the future; the type of facility and intended programs; a tie-in with the Housing Authority in the area of day care; and the possibility of having senior citizens programs in the facility.

In response to a question Mrs. Simmons indicated that the residents wanted a nice place to go similar to that originally scheduled for Riverside Park that would be accessable, beyond that, as far as size and location, it would depend on the funds available and the most feasible location.

Mayor Wood said that he had been talking to Ray Wheeling, Executive Director of the Housing Authority, about Nasty Branch. Particularly since over the last few years there had been a great deal of discussion about what needed to be done but no special funding for relieving the situation.

Ray Wheeling then spoke of the need for the improvements in Nasty Branch and of his recent discussions with Mr. Delany and Ken Michalove when the Model Cities Commission had voted to use some reprogrammable funds for improvements.

Other items mentioned were: the fact that the problem is not just in the Urban Renewal Area but in the entire water shed feeding the Branch, that the City had done some work in the Branch recently; that work outside the area could not be counted as matching.

The Mayor indicated that since the above mentioned improvement projects would require additional information he would suggest, based on the assumption that HUD would approve, that the City Council budget $150,300 for "Community Development Projects - for planning and implementation of several projects now under consideration."

There were no remarks to the contrary and the $150,300 was earmarked for that purpose. Thus, deleting the $361,068 for Neighborhood Centers.

Mayor Wood called for a motion on the RESOLUTION APPROVING AMENDMENT TO THIRD ACTION YEAR PLAN OF THE ASHEVILLE MODEL CITIES PROGRAM.

Councilman Dailey moved that the Resolution be approved, seconded by Councilman Morris and adopted unanimously.

Mrs. Dicie Jackson asked that the Council assist in expediting the purchase of Livingston Street School and Mr. Carl Johnson asked Council to give some leadership in obtaining contract compliance on the various Model Cities Programs.

Mr. Johnson also asked how the $60,000 allocated to the Comprehensive Child Development Project.

Complete text of Resolution No. 73-49 will be found in Resolution Book No. 7 at page 26.

Adjournment

MAYOR Richard D. Wood Jr.

William J. Moore

CITY CLERK

Councilman Dailey moved to accept the recommendation to reduce the budget by $23,715 to a new total of $152,112. The motion was seconded by Councilman Hoyle and carried unanimously.

18. PROJECT EVALUATION

The Model Cities Commission had recommended $20,865 for this project and a phase out date of June 30, 1973.

Mr. Delany told Council that Miss Henry the Director of Evaluation would be transferred to the Citizen Participation budget as of July 1, 1973 and in effect would continue her evaluation responsibilities.

In reference to a question about the reduction in secretarial staff, Mr. Delany indicated that due to the level of funding there would have to be cooperation among the in-house programs to handle the secretarial responsibilities.

At this time the Citizen Participation Program was brought up and Mayor Wood asked Mr. Graves, Director of Citizen Participation about his attitude about replacing Citizen Participation Aides that might resign during the remaining months of the program.

Mr. Graves indicated that four Citizen Participation Aides were the minimum necessary and based on the training program he had developed he would have no hesitation about hiring replacements.

Councilman Morris moved to approve the Project Evaluation funding and Citizen Participation funding as recommended by the Model Cities Commission and that the employment of new personnel and personnel changes in the Employment Program, Program Administration, Project Evaluation and Citizen Participation shall be implemented subject to recommendations of the Model Cities Director and authorized by the City Manager.

The motion was seconded by Councilman Ochsenreiter and passed unanimously.

11. MODEL NEIGHBORHOOD RECREATION PROGRAM

Not having made a final decision about this previously members of Council, the audience and Mr. Delany raised questions about the various program components. The comments and remarks were generally around past program performance, The need for various items of equipment and uniforms; the need for umpires, referees and other personnel and the fact that much of the capital expense items (uniforms and equipment) would last several seasons.

Councilman Ochsenreiter moved to adopt the budget presented by the Director of Parks and Recreation thus raising the budget by $33,996 to a new total of $63,996.

The motion was seconded by Vice-Mayor Marshall and adopted unanimously.

Mayor Wood called for a summary of the additions and deletions and was informed that the additions amounted to $210,768 leaving $150,300 for additional programs.

Mayor Wood then asked Mr. Delany that in light of the additions made, what would be his recommendation. Mr. Delany responded by still indicating a need for Neighborhood Centers but in considering the money available that Council might consider the purchase of the Senior Opportunity Center Building or the Neighborhood Facility proposed by Mrs. Simmons for the Montford Area.

Councilman Morris moved to approve the Coca-Cola Bottling Company's request for water based on the City Manager's recommendation that the County build a reservoir to serve the area, on or before July 1, 1976, which reservoir shall have a minimum capacity of 1,500,000 gallons. This motion was seconded by Councilman Colton and carried unanimously.

Mayor Wood instructed the City Manager to keep Council informed on any actions taken by Council.

ORDINANCE NO. 774 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1973 AND ENDING JUNE 30, 1974.

3. Consideration was given to an ordinance levying, assessing, imposing, and defining the license and privilege taxes of the City of Asheville for the fiscal year beginning July 1, 1973 and ending June 30, 1974.

The City Manager read the ordinance.

Councilman Ochsenreiter moved for the adoption of the ordinance, which was seconded by Councilman Hoyle.

On a roll call vote of 6 - 0, Ordinance No. 774 passed on its first reading.

BIDS - NO. (1) DUMP TRUCK FOR PARKS AND RECREATION DEPARTMENT

4. Consideration was given to bids received May 22, 1973 for one (1) dump truck for the Parks and Recreation Department.

The City Manager read a memorandum from J. R. McMahan, Purchasing Agent, and Ray Kisiah, Parks and Recreation Director, who recommended the low bid of Asheville International Truck Sales, Inc. in the amount of $8,335.37.

The City Manager told Council that this piece of equipment was to be used in the Open Space Program which had been approved previously by Council for Revenue Sharing funds.

Councilman Dailey moved to accept the recommendation and award the bid to Asheville International Truck Sales in the amount of $8,335.37. This motion was seconded by Councilman Morris and unanimously adopted.

Bid Summary

Bid Request #171 - One (1) Cab and Chassis Truck with 4 yard dump body

Bidder	Bid
Matthews Motors Inc.	$ 9,433.01
Asheville International Truck Sales, Inc.	8,455.37
Appletree Chevrolet Company	9,014.89

Thursday - May 24, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Councilmen Ralph D. Morris, Jr., Ruben J. Dailey, J. W. Hoyle, Henry E. Colton, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Calvin W. Marshall

1. Approval of minutes of May 17, 1973 meeting.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, the minutes of the May 17, 1973 meeting were approved as submitted.

FURTHER CONSIDERATION OF APPLICATION FOR WATER SERVICE FOR COCA-COLA BOTTLING COMPANY

2. Consideration was given to an application for water service from the Coca-Cola Bottling Company to serve the new proposed Coca-Cola production facility to be located on Haywood Road in Arden, North Carolina.

Ernest J. Ward, Jr., City Manager, stated that he had met with representatives of the Coca-Cola Bottling Company and also with County Commissioner Chairman Curtis Ratcliff in hopes to work out an agreement to provide water service to this facility. He said that he was to receive a statement from Mr. Ratcliff before the Council meeting indicating what steps the County would take to help provide service to the new facility, but at this time he had not received the statement. Mr. Ward advised Council that Coca-Cola Bottling Company had revised their initial request of 880 gpm to 750 gpm or 360,000 gallons per day. Based on information received from meetings with various officials Mr. Ward recommended the approval of Coca-Cola Bottling Company's application for water service subject to the following:

1. That funds be provided by Buncombe County to construct a reservoir in the general area of the proposed Coca-Cola plant with a minimum capacity of 1,500,000 gallons to become a part of the City Water System. Said reservoir to be constructed and funds provided when deemed advisable by the Water Engineering Department.

A reservoir with a capacity of 4,000,000 to 5,000,000 gallons would be more desirable so that service could be provided to a larger area.

Mr. Bennett Warren, manager of production systems in Asheville for Coca-Cola Bottling Company said the reduction in water needed by the plant was possible because of a new type of bottle washer which would use less water by washing more bottles at one time. Mr. Warren also stated that the 750 gpm would carry them through 1982.

Mr. Gilstrap, Assistant to the President of the Asheville Bottling firm, told Council that it was his understanding after talking with Mr. Ratcliff that the county was willing to help serve the proposed facility.

Mr. Robert J. Robinson, Corporation Counsel, told Council that he had just talked with Mr. Ratcliff by telephone and that Mr. Ratcliff had not been able to contact the other commissioners and could not make a commitment to build a reservoir in the proposed area without further study. Mr. Robinson said he would prefer that Mr. Ratcliff be contacted for details of his position on the matter.

The City Manager reported he anticipated a deficit of $223,000, however, he could cut the deficit down to $179,000 but he would be eliminating the purchasing of several pieces of equipment that needed replacement. He said Mayor Wood had asked him to make a study of possibly increasing water rates outside the City in the Fairview, Bee Tree, South Buncombe, Enka, Candler and Johnson School area which are outside the jurisdiction of the Sullivan Act. Thus, prohibiting the charging of higher water rates in the County Water Districts than that charged in the City. He said from his study of increasing water rates in this area he anticipated added revenue of $298,957.37 for the Utility Budget. He also said he had hoped some agreement could have been made with the County Commissioners for them to maintain water lines in the County, but at this time no agreement had been reached.

Mayor Wood explained that the City Manager would have to submit a balanced budget by deleting needed capital outlay items or have some indication that additional revenue would be forthcoming. He also reported that the City Manager would have to present the budget by June 7, 1973.

Adjournment.

Herbert D. Wood Sr.
MAYOR

William S. Macaulay
CITY CLERK

APPLICATION FOR SIGN PERMIT - KAR KARE LOCATED AT 639 PATTON AVENUE

5. Consideration was given to an application from Kar Kare located at 639 Patton Avenue to erect a sign which would be placed within 200 feet of the Crosstown Expressway.

Mr. J. E. Johnson, Chief Building Inspector, reported that he had investigated the proposed location and the property is zoned Industrial which requires no setbacks. He said there was no restriction to sight visiability.

Councilman Colton moved to approve the application for a sign permit located at 639 Patton Avenue as proposed. This motion was seconded by Councilman Ochsenreiter and unanimously adopted.

RESOLUTION NO. 73-50 - RESOLUTION TO EXECUTE QUIT-CLAIM DEED

The City Manager presented a resolution for Council's consideration to execute a quit-claim deed to the Asheville Jaycees for a piece of property lying South of Block A of Sayles Village.

Mr. Jim White of the Asheville Jaycees told Council that this quit-claim deed was needed to close a deal for the Asheville Jaycee Housing, Inc. who is in the process of attempting to construct an apartment complex in the area.

Mr. Robert J. Robinson, Corporation Counsel told Council that the City had never accepted the area for public purposes but the owner is unwilling to accept the quit-claim deed unless the City executes it first.

Councilman Morris moved for the adoption of the Resolution to execute the quit-claim deed. This motion was seconded by Councilman Ochsenreiter and passed unanimously.

Complete text of Resolution No. 73-50 will be found in Resolution Book No. 7 at page 28.

REPORT OF CITY MANAGER ON HI-ALTA - DEAVERVIEW AREA WATER PROBLEMS

The City Manager reported to Council that tests had been made in the Hi-Alta Deaverview Area using fire truck pumpers to determine if a pump purchased from government surplus would be successful.

Mr. Jesse Jayne, Special Projects Superintendent reported that the tests had proven to be successful and he was in the process of obtaining property on which to construct a pump house. Mr. Jayne stated he was satisfied with the tests and the new pump would increase the flows in the area, and it would also relieve pressure on the Oak Hill pump.

WATER BUDGET - REPORT OF MAYOR AND CITY MANAGER

Mayor Wood reported that he had discussed with the City Manager earlier this week difficulties Mr. Ward was having balancing the water budget.

ORDINANCE NO. 774 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1973 AND ENDING JUNE 30, 1974.

3. Consideration was given to the second reading of Ordinance No. 774, an ordinance levying, assessing, imposing, and defining the license and privilege taxes of the City of Asheville for the fiscal year beginning July 1, 1973 and ending June 30, 1974.

Upon a roll call vote of 7 - 0, Ordinance No. 774 passed on its second reading.

RESOLUTION NO. 73-51 - RESOLUTION APPROVING AND ACCEPTING CONTRIBUTION FROM THE JUNIOR LEAGUE OF ASHEVILLE, INC. FOR THE CONSTRUCTION OF CHILDREN'S ZOO AT ASHEVILLE RECREATION PARK.

4. Consideration was given to a resolution approving and accepting contribution from the Junior League of Asheville, Inc. for the construction of a Children's Zoo at Asheville Recreation Park.

Ray Misiah, Director of the Parks and Recreation Department, reported to Council that the Junior League of Asheville Inc. had proposed to take on as a league project the construction of a Children's Zoo at the Asheville Recreation Park. He said the league had committed a sum of $25,000 toward the completion of the zoo and agreed to solicit other contribution from local businesses. He said the facility when completed would cost approximately $60,000 and the annual operation cost would be approximately $12,000 a year.

Frank DeSaix, Recreation Park Manager, using a model, described the facility that was being proposed.

Mrs. Charles Cummings, League President, said her group would continue their support after the zoo was completed.

The City Manager read the resolution.

Upon motion of Councilman Dailey, seconded by Councilman Ochsenreiter, Resolution No. 73-51 was unanimously adopted.

Mayor Wood instructed the City Clerk to send a copy of the resolution to Mrs. Cummings.

Complete text of Resolution No. 73-51 will be found in Resolution Book No. 7 at page 29.

RESOLUTION NO. 73-52 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH BEVERLY-GRANT, INC. CONCERNING A WATER MAIN EXTENDING SOUTH ALONG CROWFIELDS DRIVE TO SERVE ADDITIONAL LIVING UNITS OF CROWFIELDS CONDOMINIUMS, LIMESTONE TOWNSHIP.

5. Consideration was given to a resolution authorizing the Mayor to enter into agreement with Beverly-Grant, Inc. concerning a water main extending south along Crowfields Drive to serve additional living units of Crowfields Condominiums, Limestone Township.

Thursday - May 31, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., Ruben J. Dailey, J. W. Hoyle, Henry E. Colton, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of regular meeting of May 24, 1973 and special meeting of May 22, 1973.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, the minutes of the regular meeting of May 24, 1973 and special meeting of May 22, 1973 were approved as submitted.

CONTINUATION OF PUBLIC HEARING - REVISING ZONING ORDINANCE

2. At 3:05 o'clock p. m. Mayor Wood reconvened the public hearing relative to the adoption of an ordinance amending and revising Ordinance No. 322, the Zoning Ordinance of the City of Asheville. He advised the public in attendance that this was a continuation from the May 17 meeting.

Mr. R. M. Martin, President of the Grove Park - Sunset Mountain Association, spoke in behalf of this association and said that his group was not opposed to the proposed revised ordinance as such but did oppose the R-2 classification for this area, which would allow the construction of apartments and condominiums. He said his group favored a more restrictive R-1 Classification which, in his opinion, would prevent a quality decline of the area. He presented petitions which he said were signed by almost all the residents of the area requesting that Council zone the area R-1.

Mr. Pete Fiestman, on behalf of the Home Builders Association of WNC, presented Council with a list of recommendations which he asked Council to consider in revising the ordinance. He briefly reviewed some of the points in question.

Mr. Harold Bennett, attorney for the Southern Railroad, pointed out several instances where railroads were completely ignored in the drafting of the ordinance, which he said if not corrected would virtually put the Southern Railroad out of business. Councilman Colton asked Mr. Bennett to submit in writing any suggestions that he would like to make which would correct the discriminations now being imposed on the railroad.

Council discussed other aspects of the revised ordinance with Planning Director Nick Kmecza, which concluded with Councilman Morris making the motion that the hearing be continued without further advertisement until the regular meeting of June 28, 1973. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

MODEL CITIES - CONSOLIDATED HEALTH PROJECT

Bill Jones, Executive Director of the Consolidated Health Project, submitted a revised budget for the Consolidated Health Program as it applies to the Model Cities Third Action Year Program, as requested by Council at the May 22nd meeting. He discussed various aspects of the budget and was requested by Mayor Wood to submit the revised budget to the Model Cities Commission for comment.

WATER BUDGET - REPORT BY CITY MANAGER

City Manager Ernest Ward advised Council that in preparing the annual budget for the Water Department it appeared that there would be a deficit of approximately $179,000 and he asked Council for some guidance as to the method they wished him to use in balancing this deficit. He said that he had already been instructed to study the possibility of increasing the water rates outside the districts covered under the Sullivan Act and had determined that a 50% hike in these areas would produce $298,957. He said that an increase in the industrial rates to Step 3, recommended in the rate study of Hazen and Sawyer would produce $28,785 and another $10,000 could be raised by increasing the rate of resale water to Biltmore Forest.

Following a discussion Councilman Ochsenreiter moved that the new water budget tentatively reflect an increase in the industrial rates as set forth in Step 3 of the Hazen and Sawyer recommendations. Councilman Colton seconded this motion and it was carried unanimously.

Councilman Colton then moved that the new budget presentation also include a 50% rate increase for all consumers outside the water districts covered by the Sullivan Act and further that the proposed 50% increase for all customers purchasing water for resale also be included. This motion was seconded by Vice-Mayor Marshall and was carried unanimously.

Mayor Wood in commenting on the proposed increases emphasized that this was not the final decision but only a guidance for the City Manager as to how he should proceed in preparing the Water Department Budget presentation.

COMMUNICATION FROM COUNTY COMMISSIONERS RELATIVE TO WATER SUPPLY FOR COCA COLA PLANT

Mayor Wood announced that he had just received a letter from Mr. Ratcliff, Chairman of the Buncombe County Commissioners, relative to the supplying of water to the proposed Coca Cola Plant. He said in essence it covered the assistance the County proposed to give to the Coca Cola Company regarding the water and sewer service to their new plant. He said the letter further stated that if the proposal was satisfactory to the City Council a resolution of intent would be presented at the next meeting of the Commission on June 5 covering the following points:

1. That the County would, by July 1, 1976, agree to construct some type of facility which would guarantee Coca Cola Company a minimum water flow of 750 gpm with a 50 lb. residual pressure.

2. That the County in order to insure this would build a minimum 1.5 million gallon reservoir or would work with the City to provide a larger reservoir which might better solve the area wide water service.

The City Manager read the resolution.

Mayor Wood requested that since his law firm represented Beverly-Grant, Inc. that the resolution be amended to authorize the Vice-Mayor to sign the agreement.

Councilman Colton moved for the adoption of the resolution with the modification that the Vice-Mayor be authorized to execute the agreement.

This motion was seconded by Councilman Hoyle and carried unanimously.

Complete text of Resolution No. 73-52 will be found in Resolution Book No. 7 at page 30.

RESOLUTION NO. 73-53 - RESOLUTION ACCEPTING OFFER OF DEDICATION OF STREETS SHOWN ON PLAT 7 PERSHING HEIGHTS.

6. Consideration was given to a resolution accepting offer of dedication of streets shown on Plat 7 of Pershing Heights.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 73-53 was unanimously adopted.

Complete text of Resolution No. 73-53 will be found in Resolution Book No. 7 at page 31.

BIDS - TIRES, TUBES AND RECAPPING

7. Mayor Wood announced that the tabulation of the bids to supply tires, tubes and recapping to the City for the next 12 months had not been completed and therefore this scheduled agenda item would be rescheduled for next week.

RESOLUTION NO. 73-54 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE AUTHORIZING THE PUBLICATION OF NOTICE OF A PUBLIC HEARING ON AN AMENDMENT TO URBAN RENEWAL PROJECT, EAST RIVERSIDE URBAN RENEWAL AREA, PROJECT NO. N C R-48, ASHEVILLE, NORTH CAROLINA

8. Consideration was given to a resolution of the City Council of the City of Asheville authorizing the publication of notice of a public hearing on an amendment to Urban Renewal Project, East Riverside Urban Renewal Area, Project No. NC R-48, Asheville, North Carolina.

The City Manager read the resolution which set the public hearing for June 21, 1973 at 3:00 o'clock p. m.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, Resolution No. 73-54 was unanimously adopted.

Complete text of Resolution No. 73-54 will be found in Resolution Book No. 7 at page 32.

Thursday - June 7, 1973 - 3:00 o'clock p.m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., Ruben J. Dailey, J. W. Hoyle, Henry E. Colton, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of May 31, 1973 meeting.

Upon motion of Councilman Colton, seconded by Vice-Mayor Marshall, the minutes of the May 31, 1973 meeting were approved as submitted.

ORDINANCE NO. 774 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1973 AND ENDING JUNE 30, 1974.

2. Consideration was given to the third and final reading of Ordinance No. 774, an ordinance levying, assessing, imposing, and defining the license and privilege taxes of the City of Asheville for the fiscal year beginning July 1, 1973 and ending June 30, 1974.

Since Council was furnished with copies of the ordinance it was not read again in its entirety.

On a roll call vote of 7-0, Ordinance No. 774 passed on the third and final reading.

Complete text of Ordinance No. 774 will be found in Ordinance Book No. 6 at page 19.

BIDS - TIRES, TUBES AND RECAPPING FOR A PERIOD OF 12 MONTHS

3. Consideration was given to bids received on May 18, 1973 for tires, tubes, and recapping for the city's vehicles for a period of 12 months.

The City Manager read a memorandum from the Purchasing Agent and Superintendent of Motor Transport recommending the contracts be awarded to the low bidder for all items. He concurred in the recommendations. Councilman Hoyle moved that the recommendation be accepted and that the contracts be awarded to the low bidders in each category. Councilman Dailey seconded the motion and it carried unanimously.

The following is a summary of the low bids. The complete tabulation is on file in the office of the Purchasing Agent.

3. That the County would agree to pay the cost of materials only for both water and sewer lines from the point of connection to the Coca Cola property line, this cost not to exceed $157,000, and would not include the cost of fire hydrants, pumps, water meters, etc. The Coca Cola Company agreeing to pay the labor costs of the above installations.

The letter recommended that some form of tap on charge be worked out to reimburse the Coca Cola Company for other parties wishing to tap the lines.

Finally the letter stated that the County would be agreeable to transferring ownership of the reservoir and water lines to the City, provided that in the interim they did not find it necessary to establish there own water system and therefore might need the new facilities to live up to there guarantee to Coca Cola Company.

Council took exception to the latter provision relating to the ownership of the lines. It was the concensus of opinion that the title to the line should be in the name of the City of Asheville regardless of whether or not a second water system was developed in the South Buncombe area.

Councilman Ochsenreiter moved that the City indicate its intention to authorize the extension of water service to the Coca Cola Bottling Company site at its next meeting, in the event that the Buncombe County Commissioners adopt a resolution of intent at their June 5 meeting, in line with the provisions stated in their letter. Providing however, that the resolution of intent clearly states that the line presently to be installed would become the property of the City of Asheville regardless of whether or not a second water system is developed in the South Buncombe area. Councilman Hoyle seconded this motion and it was carried unanimously.

ERWIN COMPANY COMPLAINT ON BREVARD ROAD

The superintendent of the Erwin Company, who are constructing apartments on Brevard Road, asked Council for the City's assistance in eliminating the mud and dust problem on the streets adjacent to the construction site. He said the neighbors were complaining and it was causing considerable poor public relations for this firm. The water and sewer line installation by the City was blamed for the major portion of the trouble at the present time. It was felt that the use of the City's street sweepers and flushers would help to alleviate the problem. The City Manager was instructed to investigate and take appropriate action.

SANITATION DEPARTMENT COMPLAINT

Councilman Dailey reported that Mrs. Boyd at 54 Woodland Avenue had advised him that she had not been able to get her trash picked up after reporting it several times. The City Manager was instructed to look into the complaint.

Adjournment.

Richard D. Wood
MAYOR

William E. Holcombe
CITY CLERK

and facilities, he was recommending a tax rate of $1.40 or a decrease of $ .10 in comparison to 1972-73 rate of $1.50.

Mr. Ward advised Council that the budget should be available for public inspection at least twenty days prior to its adoption and should be adopted between July 1 and July 15, 1973. He reminded them of the required three readings and that changes could be made at any of the three readings. He also reminded them that the General Statutes 159-12 requires that the budget officer notify the public that the tentative budget was presented on June 7, 1973 and is available for public inspection in the office of the City Clerk. Further that a public hearing should be scheduled, at which time anyone wishing to be heard may appear.

Councilman Morris moved that the notice of the public hearing be published and it be held on June 14, 1973 at 3:00 o'clock p. m. in the City Council Chambers. Councilman Hoyle seconded this motion and it was unanimously adopted.

RESOLUTION NO. 73-55 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AMENDMENTS TO THE NORTH CAROLINA STATE BUILDING CODE, VOLUME I, GENERAL CONSTRUCTION, 1967 EDITION AND VOLUME II, PLUMBING, 1968 EDITION

5. Consideration was given to a resolution calling for a public hearing for the adoption of amendments to the North Carolina State Building Code, Volume I, General Construction, 1967 Edition and Volume II, Plumbing, 1968 Edition.

The City Manager read the resolution, which set the public hearing for July 12, 1973 at 3:00 o'clock p.m. in the City Council Chambers.

Upon motion of Councilman Ochsenreiter, seconded by Vice-Mayor Marshall, Resolution No. 73-55 was unanimously adopted.

Complete text of Resolution No. 73-55 will be found in Resolution Book No. 7 at page 33.

RESOLUTION NO. 73-56 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH BALLANTREE PROJECT CONCERNING WATER LINES AND PUMPING FACILITIES TO SERVE STAGE 1 OF THE BALLANTREE SUBDIVISION ON LOT 69, MAP 69, LIMESTONE TOWNSHIP, BUNCOMBE COUNTY TAX MAP.

6. Consideration was given to a resolution authorizing the Mayor to enter into agreement with Ballantree Project concerning water lines and pumping facilities to serve Stage 1 of the Ballantree Subdivision on Lot 69, Map 69, Limestone Township, Buncombe County Tax Map.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 73-56 was unanimously adopted.

Complete text of Resolution No. 73-56 will be found in Resolution Book No. 7 at page 34.

New Passenger and truck tires		
B. F. Goodrich Company	- Item #2, 3, 4, 5, 8, 19, 22, 23, 24, 25, 26, 27, 29, 31, 32, 33, 34, 35	- $ 21,306.36
Sultan of Tires	- Item #7, 9, 14, 16, 17, 18, 20, 21, 30, 37	- 6,181.50
Firestone Stores	- Item #1, 6, 10, 11, 12, 13, 15, 28, 38, 39	- 4,622.09
T & H Tire Service	- Item #36, 40, 41	- 8,487.02
Total amount for passenger and truck tires		- 40,596.97
Passenger and truck tubes		
B. F. Goodrich Company	- Item #3	- 98.00
Sultan of Tires	- Item #1, 2, 5, 6, 7	- 1,085.20
Firestone Stores	- Item #4, 8, 9, 10, 11	- 386.95
Total amount for passenger and truck tubes		- 1,570.16
Recapping mud & snow		
Sultan of Tires	- Item #1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18	- 8,742.15
T & H Tire Service	- Item # 16	- 925.75
Total amount for recapping mud and snow		- 9,699.15
Recapping Conventional		
Sultan of Tires	- Item # 1 through 14	- 5,988.94
Total amount for all recapping		- 15,656.84
Total amount new tires, tubes and recapping		- 57,855.22

BUDGET PRESENTATION FOR FISCAL YEAR 1973- 74

Ernest Ward, City Manager, submitted the budget estimates for the fiscal year 1973-74. Reading from his budget letter Mr. Ward recommended a $14.9 million dollar budget for the coming year. He told Council that due to the decrease in debt service, the increase in the tax base because of the accelerated construction in the city and the Oteen annexation and the advantage of having Revenue Sharing Funds to purchase certain capital outlay equipment

RESOLUTION NO. 73-58 - RESOLUTION APPOINTING MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD

Consideration was given to a resolution appointing D. Frank Hyatt, Jr., 18 Wilburn Road a member of the Metropolitan Sewerage District Board.

The City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, Resolution No. 73-58 was unanimously adopted.

Complete text of Resolution No. 73-58 will be found in Resolution Book No. 7 at page 37.

RESOLUTION NO. 73-59 - RESOLUTION APPOINTING MEMBERS TO THE RECREATION BOARD FOR ASHEVILLE

Consideration was given to a resolution re-appointing William M. Rocamora and William M. Peyton members of the Recreation Board for Asheville.

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Morris, Resolution No. 73-59 was unanimously adopted.

Complete text of Resolution No. 73-59 will be found in Resolution Book No. 7 at page 38.

RESOLUTION NO. 73-60 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE LIBRARY BOARD

Consideration was given to a resolution re-appointing Mrs. Robert W. Kirby and Mrs. J. W. Snow members of the Asheville Library Board.

The City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Dailey, Resolution No. 73-60 was unanimously adopted.

Complete text of Resolution No. 73-60 will be found in Resolution Book No. 7 at page 39.

RESOLUTION NO. 73-61 - RESOLUTION APPOINTING MEMBERS TO THE BOXING AND WRESTLING COMMISSION FOR THE CITY OF ASHEVILLE

Consideration was given to a resolution re-appointing Robert B. Terrell, Leon H. Feldman, and Allmond H. Jones, Jr. members of the Boxing and Wrestling Commission for the City of Asheville.

The City Manager read the resolution.

Upon motion of Councilman Hoyle, seconded by Councilman Colton, Resolution No. 73-61 was unanimously adopted.

Complete text of Resolution No. 73-61 will be found in Resolution Book No. 7 at page 40.

ORDINANCE NO. 775 - AN ORDINANCE AMENDING SECTION 28-83 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO ESTABLISH SPEED LIMITS WITHIN OTEEN AREA TO BE ANNEXED ON JUNE 18, 1973

7. Consideration was given to an ordinance amending Section 28-83 of the Code of Ordinances of the City of Asheville to establish speed limits within Oteen area to be annexed on June 18, 1973.

The City Manager read the ordinance.

Councilman Hoyle moved for the adoption of Ordinance No. 775. Councilman Dailey seconded this motion.

On a roll call vote of 7 - 0, Ordinance No. 775 passed on its first reading.

RESOLUTION NO. 73-57 - RESOLUTION AUTHORIZING EXTENSION OF WATER LINES TO SERVE PROPOSED COCA-COLA PLANT SITE

8. Consideration was given to a resolution authorizing extension of water lines to serve proposed Coca-Cola Plant site.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 73-57 was unanimously adopted.

Complete text of Resolution No. 73-57 will be found in Resolution Book No. 7 at page 35.

BIDS - LITTLE LEAGUE UNIFORMS - MODEL NEIGHBORHOOD RECREATION PROGRAM

9. Consideration was given to bids received June 6, 1973 for Little League uniforms for Model Neighborhood Recreation Program.

The City Manager read a memorandum from the Purchasing Agent recommending that the low bid of $3,643.11 submitted by Crutchfields Inc. of Spartanburg, S. C. be accepted.

Councilman Morris moved that the Purchasing Agent's recommendation be accepted and that Crutchfields Inc., the low bidder, be awarded the contract in the amount of $3,643.11. Councilman Colton seconded the motion and it carried unanimously.

The following is a summary of the bids:

Bid Request #175 - Little League Baseball Uniforms for Model Neighborhood Recreation Program.

	Bidder	Amount
Items 1 through 6	Superior Sports Supply	$ 5,129.28
Items 1 through 6	The Sports Mart	5,737.50
Items 1 through 6	Asheville Army Store	5,218.08
Items 1 through 6	Crutchfields's Inc.	3,643.11

Thursday - June 14, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Councilman Ralph D. Morris, Jr., Ruben J. Dailey, J. W. Hoyle, Henry E. Colton, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Calvin W. Marshall

1. Approval of minutes of June 7, 1973 meeting.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, the minutes of the June 7, 1973 meeting were approved as submitted.

PUBLIC HEARING - 1973-74 BUDGET

2. A public hearing was held to discuss the 1973-74 Annual Budget.

Mayor Wood opened the public hearing at 3:03 o'clock p. m. and the City Manager read the affidavit of publication setting the time and date for the meeting.

W. G. Hutchinson, Co-Chairman of the committee to investigate the unrest in the city schools last year, said that he felt that organized recreation was the best preventive action that could be taken to prevent a similar outbreak from errupting again. He advocated full budget support for the Parks and Recreation Department.

Mrs. Sonya Fredrick, representing the League of Women Voters, spoke in support of the library budget particularly as it pertained to the 1973-74 book budget. Mrs. Fredrick also inquired about the landfill and was advised by Mayor Wood that $25,000 had been set aside in this budget which might be used in a city-county effort for a joint landfill operation.

W. R. McCarthy asked how the new tax assessment would affect the budget and was advised that the new assessment would not go into effect until next year.

After comments from several of the Councilmen in support of the budget, Mayor Wood closed the public hearing at 3:40 o'clock p. m.

ORDINANCE NO. 776 - AN INTERIM APPROPRIATION ORDINANCE

3. Consideration was given to an interim appropriation ordinance.

The City Manager read the ordinance.

Upon motion of Councilman Dailey, seconded by Councilman Ochsenreiter, Ordinance No. 776 passed the first reading on a roll call vote of 6 - 0.

ORDINANCE NO. 775 - ORDINANCE AMENDING SECTION 28-83 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO ESTABLISH SPEED LIMITS WITHIN OTEEN AREA TO BE ANNEXED ON JUNE 18, 1973

4. Consideration was given to the second reading of Ordinance No. 775, an ordinance amending Section 28-83 of the Code of Ordinances of the City of Asheville to establish speed limits within Oteen area to be annexed on June 18, 1973.

RESOLUTION NO. 73-62 - RESOLUTION APPOINTING MEMBERS OF BOARD OF ELECTRICAL EXAMINERS AND MEMBERS OF BOARD OF EXAMINERS OF MOTION PICTURE OPERATORS

Consideration was given to a resolution appointing Frank Davis, Rex Blakney, Walter Harlow, J. Michael Boozer, and Malachie Cromartie members of the Board of Electrical Examiners and H. H. Bowen and L. B. Simmons members of the Board of Examiners of Motion Picture Operators.

The City Manager read the resolution.

Upon motion of Councilman Hoyle, seconded by Councilman Colton, Resolution No. 73-62 was unanimously adopted.

Complete text of Resolution No. 73-62 will be found in Resolution Book No. 7 at page 41.

REPORT ON DOWNTOWN LIGHTING

The City Manager reported that the work order had been approved to increase the street lighting in the downtown area. He said that 210 - 21000 lumen mercury vapor lights would be replaced with 47,000 lumen sodium vapor lights which would vastly improve the lighting effect over the entire downtown area.

REPORT ON SCHEDULE OF ANNEXATION PLAN

The City Manager reported that the plans to extend services to the area to be annexed on June 18 were on schedule. He said the street lights had been installed, the sanitary department was ready to expand their services and the police and fire departments were prepared to extend protection to the area.

REPORT ON WATER SERVICE TO THE DEAVERVIEW AREA

The Assistant City Manager reported that the pumping system for the Deaverview-Cedar Hill area had been installed and should be in operation in the next couple of days.

COMPLAINT FROM OWNER OF 32 CONGRESS STREET

Councilman Dailey advised the City Manager that he had received a complaint from Mrs. Sylvia Boston of 32 Congress Street relative to a street drain running through her property. He asked the City Manager to make an investigation.

Adjournment.

Richard A. Woodside
MAYOR

William F. McCarthy
CITY CLERK

BIDS - SELF-PROPELLED STRIPING MACHINE

6. Consideration was given to bids received June 4, 1973 for one (1) self-propelled chassis on which will be mounted a two color double lined highway striping machine.

The City Manager read a memorandum from the Purchasing Agent recommending the acceptance of the low bid of $18,450.00 made by the Kelly Creswell Company. Paul Dutcher, Traffic Engineer, concurred in this recommendation.

Councilman Colton moved to accept the low bid and to award the contract to the Kelly Creswell Company in the amount of $18,450.00. Councilman Hoyle seconded this motion and it was carried unanimously.

Bid Summary

Bid Request #173 - One 1973 Self Propelled Chassis, on which will be mounted a two color double line striping machine

Bidder	Bid
Kelley Creswell Company	$ 18,450.00
Interstate Equipment Company	24,950.00
Western Carolina Tractor Company	21,510.00

ORDINANCE NO. 777 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE APPROPRIATING REVENUE SHARING TRUST FUNDS

7. The City Manager advised Council that the $18,450 just authorized to purchase a highway striping machine was $950.00 over the $17,500 appropriated in the revenue sharing ordinance. Therefore, he said it would be necessary to amend Ordinance No. 733 in order to appropriate the additional $950.00.

Mayor Wood instructed the City Manager to present the ordinance, after which Councilman Ochsenreiter moved for the adoption and Councilman Morris seconded this motion.

On a roll call vote of 6 - 0, Ordinance No. 777 passed on the first reading.

Councilman Colton noting the urgency to proceed with the passage of the ordinance moved to suspend the rules and call for the second and third readings at this time. Councilman Hoyle seconded the motion and it carried unanimously.

Mayor Wood called for the roll call vote on the second reading which passed on a 6 - 0 vote. He then called for the third and final reading which also passed on a 6 - 0 vote.

Complete text of Ordinance No. 777 will be found in Ordinance Book No. 6 at page _____.

Council having been furnished copies of the ordinance it was not read again in its entirety.

On a roll call vote of 6 - 0, Ordinance No. 775 passed on the second reading.

Councilman Colton noted that it would be advisable to [illegible] the speed limits established for the annexed area before the June 18 annexation date and moved to suspend the rules and call for the third and final reading of Ordinance No. 775. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

On a roll call vote of 6 - 0, Ordinance No. 775 passed the third and final reading.

Complete text of Ordinance No. 775 will be found in Ordinance Book No. _____ at page _____.

BIDS - RENTAL UNIFORM SERVICE

5. Consideration was given to bids received June 5, 1973 for rental uniform service for various departments of the City.

The City Manager read a memorandum from the Purchasing Agent recommending the acceptance of the low bid from Rental Uniform Service in the amount of $8,486.40. He also read a letter from the Carolina Uniform Rental Company, the second low bidder, who asked that they be allowed to show their garments to Council.

Mr. Edwin Pinner, representing the company, in making the presentation stated that he had been the vendor for the past four years and was offering a garment of much better quality for $500.00.a year more. He asked Council to consider his second low bid.

Mr. Melton, representing the low bidder, Rental Uniform Service, also showed the garments he would be supplying.

Councilman Dailey moved to accept the low bid of Rental Uniform Service in the amount of $8,486.40. This motion was seconded by Councilman Morris. In the discussion Councilman Hoyle stated that he favored the second low bid because he thought the garments would be warmer and of better quality.

Mayor Wood called for a vote on Councilman Dailey's motion and the motion was carried.

Bid Summary

Bid Request #174 - Rental Uniform Service for Various Departments of the City

Bidder	Bid
Carolina Uniform Rental	$ 9,301.20
Rental Uniform Service	8,486.40
Swannanoa [illegible] Inc.	10,389.60
National Linen Service	9,318.40

Thursday - June 21, 1973 - 3: 00 o'clock p. m.

Regular Meeting

Present: Vice-Mayor Calvin W. Marshall, Presiding, Councilmen Ralph D. Morris, Jr., Ruben J. Dailey, J. W. Hoyle, Henry E. Colton, Eugene C. Ochsenreiter, Jr. Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Richard A. Wood, Jr.

1. Approval of minutes of June 14, 1973 meeting.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, the minutes of the June 14, 1973 meeting were approved as submitted.

PUBLIC HEARING - AMENDMENT TO URBAN RENEWAL PROJECT, EAST RIVERSIDE URBAN RENEWAL AREA PROJECT NO. N C R-48 ASHEVILLE, NORTH CAROLINA

2. A public hearing was held to consider the approval of the amendment to the East Riverside Urban Renewal Area Project No. N C R-48, Asheville, North Carolina.

Vice-Mayor Marshall opened the public hearing at 3:04 o'clock p. m. and called on the City Manager to read the affidavit of publication setting the time and date for the hearing.

Mr. Will King, Director of Urban Renewal, using a well developed set of maps made the presentation to Council and the public in attendance. He described the original plan and the changes that would affect the land use, street alignment and the major clean up of Nasty Branch. He said that it would add about $6 million dollars to the project but due to the available credits the city's share would not be increased.

Ray Wheeling, Director of the Asheville Housing Authority, told Council that the paper work would be rushed through to the HUD office and that work would begin on the project as soon as federal approval was received.

Not receiving any objections to the plan, Vice-Mayor Marshall closed the public hearing at 3:34 o'clock p. m. He then requested the City [redacted] to present Resolution No. 73-63 - A Resolution of the City Council of the City of Asheville, North Carolina approving amendment No. 6 to the Loan and Grant Contract and Redevelopment Plan for East Riverside Urban Renewal Area Project No. N. C. R-48, Asheville, North Carolina.

Councilman Dailey moved for the adoption of the resolution, which was seconded by Councilman Hoyle and on a voice vote it carried unanimously.

Complete text of Resolution No. 73-63 will be found in Resolution Book No. 7 at page 42.

REPORT ON VIOLATIONS OF SUBDIVISION ORDINANCE

8. Mr. Kmecza, Planning Director, presented a report to Council on violations of the subdivision ordinance relative to the registering of final plats as required. He said his staff had researched the plats recorded for the last 14 months and twelve were found to be in violation of various requirements of the ordinance. It was pointed out that the improper recording of the plats raises some questions as to the validity of the legal ownership of the streets or the water and sewer lines.

In summary the report made several recommendations to avoid improper recording in the future.

Mayor Wood instructed the Corporation Counsel to review the report and make a recommendation to Council.

REQUEST FOR TAXICAB CERTIFICATES - CLOUD'S CAB COMPANY AND FRANK'S CAB COMPANY

The City Manager reported that he had received two requests for Certificates of Public Convenience and Necessity from Cloud's Cab Company and Frank's Cab Company doing business in the newly annexed Oteen area.

Mayor Wood instructed him to have the necessary investigations made and completed and scheduled public hearings, without advertisement, for the meeting of June 21, 1973.

REPORT ON WATER QUALITY STUDY

The City Manager advised Council that he had received a status report from O'Brien and Gere, Consulting Engineers, on the status of the engineering and planning activities related to the water quality facilities program implemented several months ago by City Council. He furnished each Councilman with a copy of the report and with Mayor Wood's permission he read the report in its entirety.

In summary the report gave the suggested schedule for the improvement program, a break down of the phases for the accomplishment of the work and revised budget for its completion. Mayor Wood thanked Mr. Ward for his report and accepted it as information.

Adjournment.

Richard D. Wood, Jr.
MAYOR

William E. Metcalf
CITY CLERK

RESOLUTION NO. 73-65 - RESOLUTION APPROVING EXTENSION OF THE DEMOLITION PROJECT OF THE FIRST ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

6. Consideration was given to a resolution approving extension of the Demolition Project of the First Action Year Comprehensive City Demonstration Program.

The City Manager read the resolution.

Upon motion of Councilman Dailey, seconded by Councilman Colton, Resolution No. 73-65 was unanimously adopted.

Complete text of Resolution No. 73-65 will be found in Resolution Book No. 7 at page 45.

BIDS - ASTON PARK TENNIS COURTS

7. Consideration was given to bids received June 19, 1973 to furnish all labor, materials and to perform the work necessary to construct 6 tennis courts at Aston Park.

The City Manager read a memorandum from the Purchasing Agent advising that after only receiving one bid on a June 1 bid request, bids were re-advertised and taken again on June 19, 1973. Again only one bid was submitted by Van Sumner and Company in the amount of $38,168.00. The reputation of this company being known to be reliable, he and Mr. Kisiah, Director of Parks and Recreation, recommended the acceptance of the Van Sumner and Company bid.

Mr. Kisiah told Council that Van Sumner and Company were now building two courts at Weaver Park and he was satisfied that they were not only capable of doing the work but that he felt the bid price was in line.

Councilman Ochsenreiter moved that the contract to build the six (6) tennis courts at Aston Park be awarded to Van Sumner and Company in the amount of $38,168.00. Councilman Morris seconded the motion and it was carried unanimously.

Bid Summary

Bid Request #172 - Construct 6 tennis courts at Aston Park

Van Sumner and Company - $ 38,168.00

REZONING REQUEST - THE ERVIN COMPANY - LEICESTER HIGHWAY

8. Consideration was given to a recommendation of the Planning and Zoning Commission that Lot 300, Ward 6, Sheet 20 (located on Leicester Highway) be rezoned from RA-6 Residential District to Commercial.

The City Manager read a letter from the Planning and Zoning Commission recommending the rezoning.

Councilman Morris moved that the required public hearing on the matter be set for July 12, 1973. This motion was seconded by Councilman Hoyle and carried unanimously.

ORDINANCE NO. 776 - AN INTERIM APPROPRIATION ORDINANCE

3. Consideration was given to the second reading of Ordinance No. 766, an interim appropriation ordinance.

Vice-Mayor Marshall noted that Council had been furnished with copies of the ordinance and therefore it would not be re-read in its entirety.

Upon a roll call vote of 6 - 0, Ordinance No. 776 passed on the second reading.

ORDINANCE NO. 778 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET OF THE GENERAL FUND, DEBT SERVICE FUND, POWELL BILL FUND, MOTOR TRANSPORT FUND, UTILITIES FUND, AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1973-74.

4. Consideration was given to an ordinance adopting and appropriating the operating budget of the General Fund, Debt Service Fund, Powell Bill Fund, Motor Transport Fund, Utilities Fund, and fixing the tax rate of the City of Asheville for the fiscal year 1973-74.

The City Manager was requested to read the ordinance.

Councilman Colton in moving for its adoption noted that this was just the first of three readings and that the ordinance could be amended before the other two readings. Councilman Ochsenreiter seconded the motion, and on a roll call vote of 6-0, Ordinance No. 778 passed on the first reading.

RESOLUTION NO. 73-64 - A RESOLUTION AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CLOUD'S CAB COMPANY AND TO FRANK'S CAB COMPANY

5. Consideration was given to a resolution authorizing the issuance of a Certificate of Public Convenience and Necessity to Cloud's Cab Company and to Frank's Cab Company.

In accordance with the Code of Ordinances of the City of Asheville, a public hearing was held with respect to the issuance of certificates of Public Convenience and Necessity to Cloud's Cab Company and Frank's Cab Company to operate taxicabs in the City of Asheville.

The City Manager reported that the required investigations had been made by the Police Department on Mr. Bill Cloud and Mr. Frank A. Norton and that they had met all the requirements.

Vice-Mayor Marshall asked the City Manager to present the resolution which would authorize him to issue the certificates.

The motion to adopt the resolution was made by Councilman Morris, seconded by Councilman Ochsenreiter and was carried unanimously.

Complete text of Resolution No. 73-64 will be found in Resolution Book No. 7 at page 44.

Thursday, June 28, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., Ruben J. Dailey, Henry E. Colton, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman J. W. Hoyle

1. Approval of minutes of June 21, 1973 meeting.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, the minutes of the June 21, 1973 meeting were approved as submitted.

CONTINUATION OF PUBLIC HEARING - AMENDMENT TO ORDINANCE NO. 322 - ZONING ORDINANCE

2. The public hearing relative to the adoption of an ordinance amending and revising Ordinance No. 322, as amended, was continued from the May 31, 1973 meeting. Mayor Wood opened the public hearing at 3:03 o'clock p. m. and called on Nick Kmecza, Planning Director, to comment on the several changes and suggestions previously presented by the Legislative Committee of the Home Builders Association of Western North Carolina. Council, Mr. Kmecza, and Mr. Fiestmann, who represented the Home Builders Association, discussed in detail the several suggested changes. Other suggestions were made by Council including the reduction of the permit review period from 60 to 30 days and the inclusion of a statement, that on negative recommendations from the Planning and Zoning Commission for amendments to the ordinance, public hearings would not be scheduled unless the petitioner specifically requested such a hearing. The advertisement of the public hearing to be at the petitioners expense.

The floodway section of the ordinance came up for discussion. Mr. Harold Bennett, attorney for the Southern Railway, was the first to speak in opposition to this section. He questioned its legality and said that even though the tracks and road beds were exempted by state statute, the "uses prohibited" that were not exempted, would destroy the ability of the railroad to function. He said that the ordinance was far too restrictive and it was his opinion that if an industry wanted to build along a floodway they should be allowed to do so.

Mr. Duffy Reints, owner of the Burger Chef restaurants, one of which is located in Biltmore, also opposed the floodway section of the ordinance and said he thought Council should reject the whole ordinance.

Mr. Harmon Lee, owner of Carolina Fuel Company, located on Lyman Street, said he was concerned that his business would be in a non-conforming area and that if it should be destroyed in some manner he would not be able to rebuild.

Mrs. Sonya Fredrick, representing the League of Women Voters, said that her organization favored the floodway zoning and urged Council to pass the ordinance.

After a lengthy discussion, Mr. Kmecza was asked to look into the points made by both Council and those in attendance and to prepare recommendations. Mr. Robinson, the Corporation Counsel, was asked by Mayor Wood to investigate the legal aspects of the floodway section.

RESOLUTION NO. 73-66 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION (MOFFITT ROAD)

9. Consideration was given to a resolution authorizing the Vice-Mayor to execute right of way encroachment agreement with the North Carolina State Highway Commission on Moffitt Road.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 73-66 was unanimously adopted.

Complete text of Resolution No. 73-66 will be found in Resolution Book No. 7 at page 47.

RESOLUTION NO. 73-67 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION (ASHEVILLE AIRPORT ROAD AND FANNING BRIDGE ROAD)

10. Consideration was given to a resolution authorizing the Vice-Mayor to execute right of way encroachment agreement with the North Carolina State Highway Commission on Asheville Airport Road and Fanning Bridge Road.

The City Manager read the resolution.

Upon motion of Councilman Hoyle, seconded by Councilman Dailey, Resolution No. 73-67 was unanimously adopted.

Complete text of Resolution No. 73-67 will be found in Resolution Book No. 7 at page 48.

CLAIMS - B. H. GLYMPH AND WIFE AND FRANCIS J. MANLEY AND WIFE; AND GENERAL MEDICAL CORPORATION

The City Manager reported that on June 20, 1973 he had received two notices of claims for damages to property and merchandise at 15 Victoria Road. The first claim in the amount of $11,000 was made in the name of B. H. Glymph and wife and Francis J. Manley and wife for damages to the real property at 15 Victoria Road. The second claim in the name of General Medical Corporation was for $52,294.69 for damages to personal property and merchandise at 15 Victoria Road.

Vice-Mayor Marshall acknowledged receipt of the claims and instructed the City Manager to turn them over to the Corporation Counsel for disposition.

POLICE TASK FORCE

Carl Johnson, a member of the Model Cities Commission, make a request of Council that a task force responsible to the City Manager be appointed to look into the city's law enforcement. He told Council that the city's police force needed instruction on how to deal with minorities. He said he was sure there were ways to arrest a man without killing him. Vice-Mayor Marshall thanked him for his suggestion but no action was taken.

Adjournment.

Richard D. Woodard
MAYOR

Miriam D. Meares
CITY CLERK

about $176,000. He attributed the majority of the loss in 1973 to the extension of service to the West Asheville area.

Upon Councilman Ochsenreiter's request, Mr. Thoms agreed to furnish Council with a financial statement and Mayor Wood announced that further consideration of the petition would be scheduled for the meeting of July 5th.

RESOLUTION APPROVING AND ADOPTING BY-LAWS AND PROCEDURES OF THE ASHEVILLE MODEL CITIES COMMISSION

6. Consideration was given to a resolution approving and adopting by-laws and procedures of the Asheville Model Cities Commission.

In discussing the proposed by-laws with Logan Delany, Model Cities Director, it was pointed out that there were several inconsistencies between the proposed by-laws and the Model Cities ordinance. Also discussed was the need for broader categorical representation of appointed commissioners due to the fact that the present ordinance limits appointments to the following categories: Industry, Business, Education, Housing, Health and/or Medical Profession. Council felt that many capable citizens could serve on the commission if the categories were broadened. Mr. Delany was asked to take this point up with the Commission at the July meeting. Mr. Robinson, Corporation Counsel, was asked to review the by-laws for any inconsistencies with the ordinance. Action was postponed on the resolution until both assignments could be completed.

RESOLUTION NO. 73-68 - RESOLUTION AUTHORIZING THE MAYOR OF ASHEVILLE TO ENTER INTO A THIRD PARTY CONTRACT WITH THE METROPOLITAN PLANNING BOARD FOR THE CONTINUED PREPARATION OF THE ASHEVILLE REHABILITATION AND RENEWAL PROGRAM - HUD PROJECT NUMBER CPA-NC-04-19-1028

7. Consideration was given to a resolution authorizing the Mayor of Asheville to enter into a third party contract with the Metropolitan Planning Board for the continued preparation of the Asheville Rehabilitation and Renewal Program - HUD Project Number CPA-NC-04-19-1028.

Mr. Verl Emrick, Metropolitan Planning Staffer, explained to Council that the purpose of the contract was to fund the Planning Department so that a continuing program could be carried on to study the need for rehabilitation and renewal work in the City of Asheville.

Councilman Dailey moved for the adoption of the resolution, which was seconded by Councilman Ochsenreiter and was carried unanimously.

Complete text of Resolution No. 73-68 will be found in Resolution Book No. 7 at page 49.

CITY MANAGERS REPORT ON STATUS OF ASHEVILLE AIRPORT

The City Manager reported to Council that Mr. Joe Self, an FAA inspector, had recently made an inspection of the Asheville Airport relative to the necessary repairs to the ramp and taxiways. He said that the needed repairs indicated by Mr. Self would amount to about $800,000 of which the cities share would be approximately $200,000 and that the loss of the boarding fees caused by the recent federal legislation restricting the collection of such fees, would require the City to look for other sources for funding the repairs. He said that about $100,000 in boarding fees had already been collected but the remainder would have to come from other sources. He said that a meeting would be held sometime in July between the FAA,

Since it did not appear the Council could complete the discussion on the ordinance during the present session, Councilman Morris moved that the public hearing be continued without further advertisement until the meeting of July 19, 1973. Councilman Ochsenreiter seconded this motion and it was carried unanimously.

ORDINANCE NO. 776 - AN INTERIM APPROPRIATION ORDINANCE

3. Consideration was given to the third reading of Ordinance No. 776, an interim appropriation ordinance for the City of Asheville.

Mayor Wood announced that since Council had been previously furnished with copies of the ordinance it would not be read again in its entirety.

Upon a roll call vote of 6 - 0, Ordinance No. 776 passed on the third and final reading.

Complete text of Ordinance No. 776 will be found in Ordinance Book No. 6 at page 25 .

ORDINANCE NO. 778 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET OF THE GENERAL FUND, DEBT SERVICE FUND, POWELL BILL FUND, MOTOR TRANSPORT FUND, UTILITIES FUND, AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1973-74.

4. Consideration was given to the second reading of Ordinance No. 778, an ordinance adopting and appropriating the operating budget of the General Fund, Debt Service Fund, Powell Bill Fund, Motor Transport Fund, Utilities Fund, and fixing the tax rate of the City of Asheville for the fiscal year 1973-74.

Councilman Morris noted that in lieu of the recent legislature that required the discontinuance of the boarding fee at the Asheville Airport possible changes in the budget might be necessary in order to fund the needed repairs to the taxiways and ramp at the Airport. Further, he said, other budget changes might be forthcoming if the city-county water agreement was finalized as anticipated. Under the circumstances he proposed that the second reading of the budget ordinance be postponed until the July 5th meeting. Vice-Mayor Marshall seconded this motion and it was unanimously adopted.

REQUEST FOR RATE INCREASE BY THOMS CABLEVISION

5. Mr. Harold Thoms, President of Thoms Cablevision, before making his presentation for a monthly rate increase of his cablevision service in Asheville, told Council of his firm's response to a request for service to Hillcrest Apartments. He said that in a recent survey of 242 residents of the apartments only 5 were willing to sign up for the service. He said this was hardly sufficient to warrant the service.

Mr. Thoms then proceeded with his presentation for the monthly rate increase by reading a letter addressed to Council in which he listed the pressures of inflation, higher payrolls, taxes, equipment costs and other operating expenses as his reasons for seeking an increase at this time. He also cited several unanticipated FCC rulings that have affected profitable operation of the service. Attached to his letter was a schedule of the proposed rate increases. The monthly service charge increasing from $4.50 to $6.00.

In further discussion Mr. Thoms informed Council that his company had lost $791,000 from 1968 through 1972 and it appeared that the loss for 1973 would be

airlineofficials and city officials to work out priorities which would include the proposal of extending the runway. Mr. Ward said that any action should await written communications from the FAA. Mayor Wood asked the City Manager to keep the Council advised.

REQUEST FOR LICENSE TO OPERATE BILLIARD HALL

The City Manager reported to Council that he had received an application from Mrs. Lucille Reid, 1665 Haywood Road for a license to operate a billiard hall.

Mayor Wood instructed him to have the necessary investigative reports made and to report back to Council at its regular meeting on July 5, 1973.

CLAIM FOR DAMAGES - MRS. VIRGINIA YORK - 134 EAGLE STREET

The City Manager reported that he had received a claim for storm drain damage to a house that she owns at 134 Eagle Street.

Mayor Wood instructed him to turn the claim over to Mr. Robinson, Corporation Counsel, for investigation.

Adjournment.

Richard D. Wood
MAYOR

William S. McCarthy
CITY CLERK

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RESOLUTION NO. 73-71 - RESOLUTION AUTHORIZING EXECUTION OF COOPERATION AGREEMENTS AND/OR THIRD PARTY CONTRACTS BETWEEN THE CITY OF ASHEVILLE AND DELEGATE AGENCIES CHARGED WITH THIRD ACTION YEAR OPERATIONS OF THE ASHEVILLE MODEL CITIES PROGRAM

3. Consideration was given to a resolution authorizing execution of cooperation agreements and/or third party contracts between the City of Asheville and delegate agencies charged with Third Action Year operations of the Asheville Model Cities Program.

The City Manager read the resolution.

Mayor Wood pointed out that this resolution would cover all Model Cities contracts for the Third Action Year except the Consolidated Health Program whose budget had not yet been revised.

Upon motion of Councilman Dailey, seconded by Councilman Hoyle, Resolution No. 73-71 was unanimously adopted.

Complete text of Resolution No. 73-71 will be found in Resolution Book No. 7 at page 52.

BILLIARD HALL APPLICATION - 1665 HAYWOOD ROAD

4. Consideration was given to the application of Mrs. Lucille Reid to operate a billiard hall at 1665 Haywood Road.

The City Manager reported that he had received the required investigative reports from the Police, Fire, Health and Public Safety Departments and that several deficiencies were noted by the inspectors. He recommended that Council either withhold approval of the application until necessary repairs were completed or to issue the application subject to the repairs being completed.

Councilman Morris moved that the issuance of the license be granted subject to the repairs listed by the several agencies being completed and that compliance with the conditions be determined by the Chief Building Inspector. Councilman Ochsenreiter seconded this motion and it was carried unanimously.

BIDS - CONSTRUCTION OF PROJECT A 6320.41 - C 6320.41 - 1973-74 STREET PAVING

5. Consideration was given to the approval of bids received June 29, 1973 for the construction of Project A 6320.41 - C 6320.41, 1973-74 Street Paving.

The City Manager read a memorandum from the Purchasing Agent who recommended accepting the low bid of $254,050.00 submitted by the Asheville Paving Company.

Councilman Hoyle moved that the low bid of Asheville Paving Company in the amount of $254,050.00 be accepted. This motion was seconded by Councilman Morris and the motion was carried. Mayor Wood instructed the City Clerk to let the minutes show that Councilman Colton had been excused prior to the consideration of these bids and was not present for voting. In his absence the vote was 4 - 0 in favor of accepting the low bid of Asheville Paving Company.

Thursday - July 5, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Councilman J. W. Hoyle, Ralph D. Morris, Jr., Ruben J. Dailey, Henry E. Colton, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Calvin W. Marshall

1. Approval of minutes of June 28, 1973 meeting.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, the minutes of the June 28, 1973 meeting were approved as submitted.

The first item on the scheduled agenda for this meeting was Council's consideration of the approval of a joint water agreement between the City of Asheville and Buncombe County. Mayor Wood called for the formal resolution with reference to this agreement, but was advised by the City Manager that it was not anticipated that the agreement would be approved by formal resolution and therefore it had not been prepared. Mayor Wood requested the Corporation Counsel to prepare the resolution and ruled that Council would defer action on this item and continue with the other business on the agenda.

The next item was the consideration of the second reading of Ordinance No. 778, an ordinance adopting and appropriating the operating budget for the City of Asheville. Since the approval of the joint water agreement would reflect certain changes in the utilities fund of the budget, Mayor Wood ruled that this item would also be deferred until after the water agreement resolution had been considered, and that Council would proceed to the next item on the agenda.

RESOLUTION NO. 73-69 - RESOLUTION APPROVING THE ASHEVILLE TRAFFIC OPERATIONS STUDY TO INCREASE CAPACITY AND SAFETY WITHIN THE CITY

2. Consideration was given to a resolution approving the Asheville Traffic Operations Study to increase capacity and safety within the City.

The City Manager read the resolution.

Mayor Wood explained that the resolution was an approval of a final plan for upgrading certain capacity and safety deficiencies of the city streets with the assistance of Federal Aid. He said it contained some 50 projects that could be accomplished in order of their priority as the 50% city's matching share became available.

Councilman Hoyle moved for the adoption of the resolution which was seconded by Councilman Dailey and carried unanimously.

Complete text of Resolution No. 73-69 will be found in Resolution Book No. 7 at page 50.

Councilman Morris said he would like to second this motion but felt all aspects of the budget should be discussed before making this decision. The motion failed for a lack of a second.

Councilman Colton in commenting on the Metropolitan Planning Commission budget said that he noted that in some instances the requested salary increases for this department exceeded the 5% being maintained throughout the other city departments. He said he had discussed the Planning Department budget with Mr. Kmecza, the Planning Director, and he would like to recommend in the form of a motion that the Metropolitan Planning and Zoning Board Budget, Code A 6090, listed on page 17 of the Annual Budget Estimate, be amended as follows:

Salaries and Wages	.02	$ 172,653
Professional Services	.04	37,000
Telephone and Telegraph	.11	4,000
Printing and Publishing	.12	4,000
Travel, Mtgs, Schools, etc.	.14	4,000
Maint. & Repair Equipment	.16	20,400
Departmental Supplies	.33	5,500
Dues and Subscriptions	.53	1,000
Insurance and Bonds	.54	1,400
Car Allowances	.57	2,400
Chgs. by other Depts.-Auto	.60	-0-
C. O. Equipment	.74	7,600
701 Project - Inspection fee		1,200
Sub Total		261,153
Surplus		(10,000)
Total		251,153

This motion was seconded by Councilman Morris and carried unanimously.

Mayor Wood noted that the salary increase requested for Mr. Brown, the librarian, exceeded the 5% maximum guidelines.

Councilman Morris moved that the budget be amended to reflect a change in the Library Budget, Code A 6800, Line item Salaries and Wages .02 from $260,356 to $259,531 and that the total library budget be changed from $454,941 to $454,116. Councilman Colton seconded this motion and it was carried unanimously.

Before proceeding, Mayor Wood asked that the water agreement resolution be presented for consideration.

RESOLUTION NO. 73-70 - RESOLUTION AUTHORIZING EXECUTION OF WATER AGREEMENTS BY AND BETWEEN THE CITY OF ASHEVILLE AND THE COUNTY OF BUNCOMBE AND CERTAIN WATER DISTRICTS WITHIN BUNCOMBE COUNTY.

The City Manager read the resolution.

All members of Council were familiar with the water agreement referred to in the resolution as they had been previously furnished copies.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, Resolution No. 73-70 was unanimously adopted.

Complete text of Resolution No. 73-70 will be found in Resolution Book No. 7 at page 51.

Bid Summary

Bid Request #176 - Construction of Project A 6320.41 and C 6320.41 - 1973-74 Street Paving in the City of Asheville

Bidder	Items #1 through #8 - Project A 632 .41 - C 6320.41
Asheville Paving Company	$ 254,050.00
Warren Brothers Company	257,110.00
Paving Enterprises	261,200.00

BIDS - BID REQUEST #177 - LAMINATED WALL BITUMINIZED FIBER WATER METER BOXES

6. Consideration was given to bids received July 3, 1973 for 1200 laminated wall bituminized fiber water meter boxes for the Water Department of the City of Asheville.

The City Manager reviewed the bids and read a memorandum from the Purchasing Agent who recommended accepting the low bid of Silverman Company in the amount of $6,366.00.

Councilman Morris moved that the low bid of Silverman Company in the amount of $6,366.00 be accepted. Councilman Hoyle seconded this motion and it was carried unanimously. Councilman Colton having returned to his seat voted on this item.

Bid Summary

Bid Request #177 - Laminated wall Bituminized Fiber Water Meter Boxes - approximately 1200

Bidder	Bid Price	
Southern Meter and Supply Company	$5.50 each -	$6,600.00
Silverman Company	5.28 each -	6,366.00
Tidewater Supply Company	6.00 each -	7,200.00

ORDINANCE NO. 778 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET OF THE GENERAL FUND, DEBT SERVICE FUND, POWELL BILL FUND, MOTOR TRANSPORT FUND, UTILITIES FUND, AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1973-74.

7. All other scheduled business having been completed except the joint water agreement resolution, which was still being prepared, Council proceeded with the discussion of recommended changes to the budget ordinance.

Councilman Ochsenreiter called Council's attention to two unanticipated expenses which he thought should be given consideration. He pointed out that the proposed increase in the dependent hospitalization insurance rate would about wipe out the 5% proposed raise for the average employee, and he felt the City should assist in this area. He also felt that the loss of the boarding fee at the Asheville Airport would necessitate appropriating additional funds for the required improvements at the airport. To cover the above items he moved that the proposed tax rate of $1.40 be increased to $1.43.

When asked by Councilman Morris for a review of the proposed airport improvement program, the City Manager advised that he had not received further communications from the FAA since his last report, but that it was his understanding that the improvements would cost approximately $800,000, of which the City would have to share some $200,000. He said the boarding fees already collected would account for about $100,000, but that another $100,000 would have to be appropriated from ad valorem funds. He said there may be some possibility of receiving additional financial assistance from the state, but at this time he could report nothing definite. When asked for his opinion on the necessity for increasing the tax rate from the proposed $1.40 to $1.43 he advised that he felt that it would be necessary in order to proceed with the airport improvements.

Councilman Ochsenreiter moved, that in order to provide funds for the unanticipated expense of providing assistance to employees faced with a rate increase in their dependent hospitalization insurance, as well as the need for funds for the necessary improvements to the airport, that the new tax rate be increased from $1.40 to $1.43.

In the discussion Mayor Wood said that he would like to make the observation that the proposed 3¢ increase would mean that the total city-county tax rate would only be reduced by 4¢, where the debt service for the City was reduced by 5¢. Councilman Morris seconded Councilman Ochsenreiter's motion and it was carried.

The City Manager requested a 10 minute recess before reporting on the effect Council's proposed changes would have on the overall budget.

COMPLAINT OF MRS. CLARK - HOMELAND PARK - STREET REPAIRS

Before the recess Council heard from Mrs. Clark, a resident of Homeland Park in the newly annexed area, who inquired when they could expect their streets to be repaired. She was advised by Mayor Wood that the streets in this area were private and until some action were taken to dedicate them to the City as public streets, the City could not repair them. He told her that he would have the City Manager take another look at the situation to see what could be done.

Mayor Wood recessed the meeting for 15 minutes at 4:15 o'clock p. m.

Council reconvened at 4:30 o'clock p. m.

The City Manager reported that the requested changes would reduce the Metropolitan Planning Board budget by $20,218, the Library Budget by $825 and the additional 3¢ tax would increase revenues by $98,700. This would give an overall total of $119,743. Adding this to the present contingency fund of $192,256, the new contingency fund would be increased to $311,999.

At the request of Council the City Manager read Ordinance No. 778, as amended.

Councilman Ochsenreiter moved that the budget ordinance be amended to reflect the adjustments proposed by Council. This motion was seconded by Councilman Morris and carried unanimously.

Mayor Wood called for the second reading of Ordinance No. 778, as amended.

On a roll call vote of 6-0, Ordinance No. 778 as amended passed on the second reading.

MAYOR

CITY CLERK

Adjournment

Richard D. Wood, Jr.

Miriam D. McKay

Mayor Wood then asked the City Manager to make his recommendations for amendments to the budget reflected by the water agreement just passed by Council. Mr. Ward made the following recommendations:

Page 60 - Account No. M-5710, Water Charges -- Revenues reduce to	$ 2,841,735
Page 60- Add Account No. M-5790; Buncombe County share of operations	$ 250,000
Page 60 - Add Account No. M-5791; Buncombe County Water Systems Improvement Fund	$ 80,000
Page 61 - Account No. M-7112, Administration increase to	$ 478,142
Page 61 - Account No. M-7113, Engineering reduce to	$ 71,599
Page 61 - Add Account No. M-7140, Water Systems Improvement Fund	$ 160,000

Mr. Ward said there was one other change that could be included in his recommendations even though it did not pertain to the utilities budget. He said it was a deletion of the revenue and expense of collecting the boarding fees at the Asheville Airport and the budget should be amended as follows:

Page 3- Account No. A-5421, Airport Boarding Fees -- Revenues delete	$ 23,629
Page 7 - Account No. A-7661, Aviation - Expenditures Boarding Fees delete	$ 23,629

Mr. Ward informed the Council that the amendment he proposed relative to the utilities fund would eliminate the need for the 50% water rate increases in the areas outside the County Water Districts, the resale water users and the industrial users. However, he advised that following the removal of the price freeze now in effect, Council should reconsider a rate increase for water being purchased for resale and the rate for industrial consumers.

Councilman Morris moved that the budget ordinance be amended as recommended by the City Manager. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Mayor Wood stated that he had discussed with Mr. Ward the possibility of using approximately $15,000 in Revenue Sharing Funds for the beautification of downtown Asheville. He asked Council for their consideration of this proposal.

Councilman Dailey moved that $15,000 be transferred from the Revenue Sharing Trust Fund for use in the improvement and beautification of downtown Asheville. This motion was seconded by Councilman Hoyle and carried unanimously.

Alan Lang, staff member of the Planning and Zoning Commission, read a letter to the Council recommending the rezoning. He presented other pertinent data supporting the recommendation. Council questioned Mr. Lang regarding the buffer zone between the Commercial and Residential Districts. He told them that adjoining lot 304, which had also been part of the original petition, had been withdrawn by the petitioner and this would serve as a buffer zone.

Mayor Wood closed the public hearing at 3:20 o'clock p. m. and requested the City Manager to read the ordinance.

Councilman Morris moved for the adoption of the ordinance which was seconded by Councilman Hoyle and on a roll call vote of 7 - 0, Ordinance No. 780 passed on the first reading.

RESOLUTION NO. 73-72 - RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION IN THE APPROPRIATE STATE OFFICE FOR THE PURPOSE OF OBTAINING CERTAIN FEDERAL FINANCIAL ASSISTANCE UNDER THE DISASTER RELIEF ACT (PUBLIC LAW 606, 91st CONGRESS)

4. Consideration was given to a resolution authorizing the City Manager to file an application in the appropriate state office for the purpose of obtaining certain federal financial assistance under the Disaster Relief Act (Public Law 606, 91st Congress).

The City Manager explained before presenting the resolution that during the heavy rains of May 27 and 28 the City incurred considerable damage due to flooding. He said that federal assistance under the Disaster Relief Act, could be obtained in repairing this damage and that the resolution he was presenting would authorize him to apply for this assistance in the name of the City.

Councilman Colton moved for the adoption of the resolution, which was seconded by Councilman Ochsenreiter and carried unanimously.

Complete text of Resolution No. 73-72 will be found in Resolution Book No. 7 at page 57.

SCOREBOARDS - ASHEVILLE CIVIC CENTER

5. Consideration was given to a proposal from the American Sign and Indicator Corporation to manufacture and install scoreboards for the Asheville Civic Center.

Council was advised that providing scoreboards for the Civic Center was a necessary but rather expensive item that could be funded through advertising. Further they were advised that the American Sign and Indicator Corporation, manufacturer of the scoreboards was making a proposal that they be given the exclusive right for 90 days to solicit a sponsor who would furnish the scoreboards at no expense to the city. It was explained that this procedure was being followed in most cities in the U. S. who had completed or were in the process of completing Civic Centers.

Councilman Morris moved that the Mayor be authorized to sign the proposal that would tender to the American Sign and Indicator Company exclusive right for 90 days to solicit a sponsor to furnish the scoreboards for the Civic Center. Vice-Mayor Marshall seconded this motion and it carried unanimously.

Thursday - July 12, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen J. W. Hoyle, Ralph D. Morris, Jr., Ruben J. Dailey, Henry E. Colton, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of July 5, 1973 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, the minutes of the July 5, 1973 meeting were approved as submitted.

Mayor Wood announced that the scheduled item on the agenda relative to the petition from Thoms Cablevision to increase rates for CATV would be deferred until a future meeting at the request of Mr. Thoms.

PUBLIC HEARING - ADOPTION OF AMENDMENTS - N. C. STATE BUILDING CODE AND PLUMBING CODE

2. A public hearing was held to consider the adoption of amendments relating to the North Carolina State Building Code, Volume I, General Construction, 1967 Edition and Volume II, Plumbing, 1968 Edition.

Mayor Wood opened the public hearing at 3:02 o'clock p. m. and asked the City Manager to read the affidavit of publication setting the time and date for the hearing.

J. E. Johnson, Building Inspector, advised Council that the passage of this ordinance would update the City of Asheville's building and plumbing codes to coincide with similiar amendments made in the North Carolina State General Construction and Plumbing Codes.

Mayor Wood closed the public hearing at 3:06 o'clock p. m. and requested the City Manager to read the ordinance.

Councilman Morris moved for the adoption of the ordinance, which was seconded by Councilman Colton. On a roll call vote of 7 - 0, Ordinance No. 779 passed on the first reading.

PUBLIC HEARING - REZONING ERVIN COMPANY PROPERTY ON NEW LEICESTER HIGHWAY

3. A public hearing was held to consider the rezoning of Lot 300, Sheet 20, Ward 6, property of the Ervin Company, from RA-6 Residential District to Commercial.

Mayor Wood opened the public hearing at 3:09 o'clock p. m. and asked the City Manager to read the affidavit of publication which advertised the time and date for the public hearing.

GROUP DEVELOPMENT - CHARLOTTE STREET CONDOMINIUMS

The City Manager read a letter, addressed to Council, from the Planning and Zoning Commission recommending the approval of the site plan for the proposed construction of condominiums on Charlotte Street.

Councilman Ochsenreiter moved that a public hearing relative to the matter be set for August 2, 1973. This motion was seconded by Councilman Hoyle and carried unanimously.

CITY MANAGERS REPORT ON FAA RECOMMENDATIONS AT ASHEVILLE AIRPORT

The City Manager presented Council with copies of the report from the FAA relative to a recent inspection for needed improvements at the Asheville Airport. In reviewing this report he said that the major expenditure recommended for immediate consideration was the repaving of the taxiway and terminal apron. Also recommended was the purchase of a 500 pound dry chemical fire truck which he said was covered in the new budget. The repaving he said would cost about $800,000 of which the city's share would be approximately $200,000. Of this amount $107,886 has already been collected in boarding fees, and application has been made to the state for $112,000 to cover the additional cost. If this is not approved, Mr. Ward said, there would be sufficient money in the contingency fund to make up the city's share.

Mr. Ward recommended that a joint meeting between all concerned be set up to discuss the extension of the runway so that some decision could be reached on the installation of an ILS on the north end of the runway. Mayor Wood instructed him to set up this meeting at the earliest opportunity.

COMPLAINTS FROM RESIDENTS OF TACOMA PLACE AND TACOMA CIRCLE

Rabbi Friedman, speaking for himself and some neighbors from the Montford Section around Tacoma Circle area, pointed out three problems that were becoming increasingly more difficult to deal with in the neighborhood.

One problem being the nuisance of barking dogs which occurs late into the night and into the wee hours of the morning.

The second problem being that a number of children are permitted to stay up and on the streets beyond a reasonable hour.

The third problem being that children are congregating at Tacoma Circle and Tacoma Place engaging in indecent acts and causing a traffic hazard. Related to this is also the fact that cars are parking on the right hand side of the street and thus narrowing the thoroughfare.

Rabbi Friedman pointed out that a change in the make up of the neighborhood was taking place and there was a need for a continuing sense of responsibility for the neighborhood.

Rabbi Friedman indicated that he would continue to work through neighborhood groups in an effort to resolve these problems but he indicated an interest in any assistance that City Council could give.

ORDINANCE NO. 778 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET OF THE GENERAL FUND, DEBT SERVICE FUND, POWELL BILL FUND, MOTOR TRANSPORT FUND, UTILITIES FUND, AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1973-74.

6. Consideration was given to the third and final reading of Ordinance No. 778, an ordinance adopting and appropriating the operating budget of the General Fund, Debt Service Fund, Powell Bill Fund, Motor Transport Fund, Utilities Fund, and fixing the tax rate of the City of Asheville for the fiscal year 1973-74.

Rather than read the ordinance in its entirety, Mayor Wood pointed out that the final amended ordinance reflected a tax rate of $1.43 instead of the $1.40 as originally proposed. He said that this was broken down with the levy of $.30 for debt service and $1.13 for the general operating fund. This he said was assuming 94% collection of the assessed value of $350,000,000. The total withdrawal authorized from the revenue sharing fund was $886,692.00 which was to be incorporated into the general operating fund. Under the utilities fund certain amendments were made in the ordinance to reflect the agreement with the county in regard to the water system. A contribution of $250,000.00 per year was added to this fund by the County for general maintenance as well as a $80,000 contribution for improvements to the system.

Upon a roll call vote of 7 - 0, Ordinance No. 778 passed on the third and final reading.

Complete text of Ordinance No. 778 will be found in Ordinance Book No. 6 at page 27.

POWELL BALL AND J. W. PARRIS STATEMENT

Powell Ball, Chief of the Fire Department, and John W. Parris, President of the Faternal Order of Fire Fighters, thanked Council for their consideration in approving the budget and for adjusting the fire department work week from 63 to 56 hours.

RESOLUTION NO. 73-73 - RESOLUTION APPOINTING A MEMBER TO THE MODEL CITIES COMMISSION

Consideration was given to a resolution appointing Walter St. G. Gladding to the Model Cities Commission to replace Donald Lineberger who resigned.

The City Manager read the resolution.

Upon motion of Councilman Ochsenreieter, seconded by Councilman Colton, Resolution No. 73-73 was unanimously adopted.

Complete text of Resolution No. 73-73 will be found in Resolution Book No. 7 at page 58.

PERSONNEL DIRECTOR APPOINTMENT

The City Manager announced the appointment of Mike Smith as personnel director and introduced him to Council.

Thursday - July 19, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding: Vice-Mayor Calvin W. Marshall, Councilmen J. W. Hoyle, Ralph D. Morris, Jr., Ruben J. Dailey, Henry E. Colton, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of July 12, 1973 meeting.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall, the minutes of the July 12, 1973 meeting were approved as submitted.

PUBLIC HEARING - AMENDING AND REVISING ZONING ORDINANCE NO. 322

2. The public hearing relative to the adoption of an ordinance amending Ordinance No. 322, known as "An Ordinance Providing For the Zoning of The City of Asheville" as amended, was continued from the July 5, 1973 meeting. Mayor Wood opened the public hearing at 3:03 o'clock p. m.

Robert J. Robinson, the Corporation Counsel, was asked to give Council his opinion as to their responsibility with respect to delineating a floodway zone and the passing of an ordinance restricting this area. Mr. Robinson advised them that, as he interpreted the state statutes, if Council did not undertake floodway zoning the state would do it for them and place the responsibility for enforcement on the City.

Mr. Robinson also pointed out that the Asheville Airport was not included under the jurisdiction section and suggested that it be excluded by reference. Commenting on the non-conforming use section Mr. Robinson said that he had researched the legality of this section and felt that this section could remain as written. He said he wanted Council to be aware of its presence of this section in the ordinance.

Mr. Duffy Reints, owner of Burger Chef in Biltmore, said he had come prepared to take issue with the floodway zoning but after hearing the decision of the Corporation Counsel he saw no reason to argue the point. He did feel that some compromise could be reached.

Mr. Glenn Kelley, representing Soughern Railroad, still argued that floodway zoning would hamper Southern Railroad's operation and requested that the matter be referred back to Planning and Zoning for more study in depth.

Mr. Bill Frue, an attorney representing a land developer, was concerned with the Section 30-3-4 relative to the interpretation of the time limitation on building permits. He felt this should be reviewed and either given a clearer meaning or parts deleted.

Mr. Russ Martin, representing Grove Park-Sunset Association, again appeared and requested a higher zoning classification for this area to prevent future deterioration.

Virgil Sturgil, a resident of the area, voiced concern about the number of dogs running loose and why the city ordinance about leashing dogs could not be better enforced or changed to allow more complete enforcement. He also mentioned a problem with mini-bikes.

Mayor Wood asked Mr. Ward to examine the traffic problems in particular and to look into the other matters discussed.

Adjournment.

Richard D. Wood Sr.
MAYOR

Miriam J. McCarty
CITY CLERK

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Dailey, Resolution No. 73-74 was unanimously adopted.

Complete text of Resolution No. 73-74 will be found in Resolution Book 7 at page 59.

RESOLUTION NO. 73-75- RESOLUTION APPROVING EXPENDITURE OF SUPPLEMENTAL FUNDS FOR MODEL NEIGHBORHOOD STREET DANCES AND KIDDIE MATINEES UNDER THE MODEL NEIGHBORHOOD RECREATION PROJECT OF THE THIRD ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

6. Consideration was given to a resolution approving expenditure of supplemental funds for Model Neighborhood Street Dances and Kiddie Matinees under the Model Neighborhood Recreation Project of the Third Action Year Comprehensive City Demonstration Program.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 73-75 was unanimously adopted.

Complete text of Resolution No. 73-75 will be found in Resolution Book 7 at page 62.

PETITION - REZONING OF 52 ALBEMARLE ROAD - JAMES W. DANIELS

The City Manager presented a petition from James W. Daniels to rezone Ward 2, Sheet 16, Lots 92 and 93 located at 52 Albemarle Road from RA-6 Residential to Neighborhood Trading Area.

In the absence of any objections from members of Council, Mayor Wood instructed the City Clerk to forward the petition to the Planning and Zoning Commission for recommendation.

APPOINTMENT OF MEMBER TO THE ASHEVILLE HOUSING AUTHORITY

Mayor Wood read a Certificate of Appointment appointing J. D. Jackson, Jr., 51 Griffing Boulevard as a member of the Asheville Housing Authority of the City of Asheville to serve for a term of five years, ending June 11, 1978.

REPORT ON COMPLAINTS FROM RESIDENTS OF TACOMA CIRCLE

In compliance with the request of Council at the July 12, 1973 meeting the City Manager reported that the Chief of Police and the City Traffic Engineer had made an investigation of the Tacoma Circle area and reported that the Community Services Division of the Police Department was concentrating in this area with reference to the problem of youth and the dog wardens were concentrating on picking up dogs in this area. Paul Dutcher, Traffic Engineer, reported that the area was adequately posted with stop signs and wrong way signs and one-way signs. He did not recommend that parking be removed on both sides of Tacoma Circle since this would place an undue hardship on the residents that do not have adequate off street parking.

Mr. Peter Mallett, owner of Pabst Blue Ribbon distributorship located on Swannanoa Creek Road, spoke against the floodway zoning.

A lengthy discussion followed on many sections of the entire ordinance and Mayor Wood closed the public hearing at 4:00 o'clock p. m.

At this time Mayor Wood and the Council reviewed page by page all the areas discussed in the several previous meetings. At the conclusion, Mr. Kmecza was instructed to rework these sections, conferring with Mr. Robinson and Mr. Johnson if necessary, and to advise the Council when this had been completed. Mayor Wood said that at this time he would schedule further consideration of the ordinance.

ORDINANCE NO. 779 - AN ORDINANCE AMENDING SECTION 8-1 OF CHAPTER 8, ARTICLE I OF THE CODE OF ORDINANCES, ENTITLED STATE BUILDING CODE ADOPTED; AND AMENDING SECTION 20-1 (a) OF CHAPTER 20 OF THE CODE OF ORDINANCES, ENTITLED PLUMBING CODE ADOPTED

3. Consideration was given to the second reading of Ordinance No. 779, an ordinance amending Section 8-1 of Chapter 8, Article I of the Code of Ordinances, entitled State Building Code adopted; and amending Section 20-1 (a) of Chapter 20 of the Code of Ordinances, entitled Plumbing Code adopted.

Council having been previously furnished copies of the ordinance, the oridnance was not re-read in its entirety.

On a roll call vote of 7 - 0, Ordinance No. 779 passed on its second reading.

ORDINANCE NO. 780 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS " AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (The Ervin Company-New Leicester Highway)

4. Consideration was given to the second reading of Ordinance No. 780, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing For The Zoning of the City of Asheville", as amended. (The Ervin Company - New Leicester Highway).

Council having been previously furnished copies of the ordinance, the ordinance was not re-read in its entirety.

On a roll call vote of 7 - 0, Ordinance No. 780 passed on its second reading.

RESOLUTION NO. 73-74 - RESOLUTION AMENDING THE SENIOR OPPORTUNITIES PROJECT OF THE THIRD ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

5. Consideration was given to a resolution amending the Senior Opportunities Project of the Third Action Year Comprehensive City Demonstration Program.

Logan Delany, Director of the Model Cities Agency, advised Council that he had been informed by HUD that the relocation money for the Third Action Year in the amount of $12,000 was not needed and also that the Comprehensive Child Development Program, which expired on June 30, 1973, had an unexpended balance of $12,000. This makes available $24,000 for reprogramming of which $15,820 is recommended by the Model Cities Commission for additional staffing and transportation in the Senior Opportunities project and $3,500 for street dances and kiddie matinees in the Model Neighborhood Recreation project.

Thursday, July 26, 1973

MAYOR WOOD ANNOUNCED THAT THE REGULARLY SCHEDULED COUNCIL MEETING WOULD NOT BE HELD ON JULY 26, 1973 DUE TO THE LACK OF AGENDA ITEMS SCHEDULED FOR THIS MEETING.

Thursday - August 2, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen J. W. Hoyle, Ralph D. Morris, Jr., Ruben J. Dailey, Henry E. Colton, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of July 19, 1973 meeting.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, the minutes of the July 19, 1973 meeting were approved as submitted.

PUBLIC HEARING - SITE PLAN FOR CHARLOTTE STREET CONDOMINIUMS

2. The City Manager read a letter to Council from the Planning and Zoning Commission recommending the approval of the Charlotte Street Condominiums site plan, however, they also advised Council that there had been some minor changes since the first review. They suggested that the substitute plan be considered at the public hearing.

Mr. Robert J. Robinson, Corporation Counsel, advised Council that since these changes had not been given public notice he would advise that the public hearing be readvertised. He said that the applicant also made this request.

Councilman Morris moved that the public hearing be readvertised at the petitioners expense for August 23rd, 1973. This motion was seconded by Councilman Hoyle and carried unanimously.

ORDINANCE NO. 779 - AN ORDINANCE AMENDING SECTION 8-1 OF CHAPTER 8, ARTICLE I OF THE CODE OF ORDINANCES, ENTITLED STATE BUILDING CODE ADOPTED: AND AMENDING SECTION 20-1 (a) OF CHAPTER 20 OF THE CODE OF ORDINANCES, ENTITLED PLUMBING CODE ADOPTED

3. Consideration was given to the third and final reading of Ordinance No. 779, an ordinance amending Section 8-1 of Chapter 8, Article I of the Code of Ordinances, entitled State Building Code Adopted; and amending Section 20-1 (a) of Chapter 20 of the Code of Ordinances, entitled Plumbing Code Adopted.

Council having been previously furnished copies of the ordinance, the ordinance was not re-read in its entirety.

On a roll call vote of 7 - 0, Ordinance No. 779 passed on its third and final reading.

Complete text of Ordinance No. 779 will be found in Ordinance Book No. 6 at page 31.

REQUEST OF COUNCILMAN DAILEY - STREET LIGHTS - JORDAN STREET

Councilman Dailey reported that he had a request for a street light at 29 Jordan Street.

SKY VIEW GOLF TOURNAMENT

Lonnie Gilliam, representing the Sky View Golf Association, asked Council to permit the use of the Municipal Golf Course during the Sky View Golf Tournament at one-half price green fees. He said that this had been permitted for the past several years. Ray Kisiah, Director of Parks and Recreation, favorably recommended that Council grant this permission.

Councilman Morris moved that the Sky View Golf Association be allowed the use of the Municipal Golf Course at one-half green fees during the annual tournament. This motion was seconded by Councilman Hoyle and unanimously adopted.

Adjournment.

Richard D. Wood, Jr.
MAYOR

William S. McCarty
CITY CLERK

Complete text of Resolution No. 73-78 will be found in Resolution Book No. 7 at page 68.

RESOLUTION NO. 73-79 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES LISTED BELOW

8. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish 22 Chiles Avenue, 81 Clingman Avenue, 34 Monroe Place, 192 Montford Avenue, 194 Montford Avenue, and 100½ Woodrow Avenue.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Morris, Resolution No. 73-79 carried unanimously.

Complete text of Resolution No. 73-79 will be found in Resolution Book No. 7 at page 69.

REQUEST OF ASHEVILLE MERCHANTS ASSOCIATION FOR NON-ENFORCEMENT OF PARKING METERS

9. The City Manager read a letter of request from the Asheville Merchants Association asking Council to grant them the privilege of non-enforcement of parking meters, Tuesday, September 4th during the Labor Day Sale.

Councilman Hoyle moved to grant the request of the Asheville Merchants Association for the non-enforcement of parking meters during the After Labor Day Sale, Tuesday, September 4th. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

RESOLUTION NO. 73-80 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A THIRD PARTY CONTRACT WITH THE ASHEVILLE CITY SCHOOLS FOR THE OPERATION OF THE SPECIAL FOOD SERVICE PROGRAM

10. Consideration was given to a resolution authorizing the Mayor to enter into a third party contract with the Asheville City Schools for the operation of the Special Food Service Program.

The City Manager read the resolution.

Ken Michalove, Municipal Coordinator, advised Council that several weeks ago Council authorized the Model Cities share of this program and that this resolution would authorize the federal share. He also explained that there was a companion resolution authorizing the Model Cities Agency to submit a request for the federal share through the appropriate state office.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, Resolution No. 73-80 passed unanimously.

Complete text of Resolution No. 73-80 will be found in Resolution Book No. 7 at page 71.

ORDINANCE NO. 780 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (The Ervin Company-New Leicester Highway)

4. Consideration was given to the third and final reading of Ordinance No. 780, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing For The Zoning of the City of Asheville", as amended. (The Ervin Company - New Leicester Highway).

Council having been previously furnished copies of the ordinance, the ordinance was not re-read in its entirety.

On a roll call vote of 7 - 0, Ordinance No. 780 passed on its third and final reading.

Complete text of Ordinance No. 780 will be found in Ordinance Book No. 6 at page 33.

RESOLUTION NO. 73-76 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUBGRANT APPLICATION RELATIVE TO THE REGIONAL POLICE INFORMATION NETWORK

5. Consideration was given to a resolution authorizing the Mayor to execute a subgrant application relative to the Regional Police Information Network.

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Colton, Resolution No. 73-76 carried unanimously.

Complete text of Resolution No. 73-76 will be found in Resolution Book No. 7 at page 66.

RESOLUTION NO. 73-77 - RESOLUTION AUTHORIZING NOTICE OF INTENT TO LEASE SPACE AT THE ASHEVILLE AIRPORT TO THE NORTHWESTERN BANK

6. Consideration was given to a resolution authorizing notice of intent to lease space at the Asheville Airport to the Northwestern Bank.

The City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, Resolution No. 73-77 carried unanimously.

Complete text of Resolution No. 73-77 will be found in Resolution Book No. 7 at page 67.

RESOLUTION NO. 73-78 - RESOLUTION AUTHORIZING NOTICE OF INTENT TO LEASE SPACE AT THE ASHEVILLE AIRPORT TO RAK'S INC.

7. Consideration was given to a resolution authorizing notice of intent to lease space at the Asheville Airport to RAK's.

The City Manager read the resolution.

Upon motion of Councilman Hoyle, seconded by Councilman Dailey, Resolution No. 73-78 carried unanimously.

Council suggested to the City Manager that some temporary measures be taken to handle the anticipated increase in traffic at Beaumont and Valley Streets.

PROCLAMATION - DRUM MAJORETTE WEEK - AUGUST 5 - 11

Mayor Wood proclaimed the week of August 5 - 11 as Drum Majorette Week in celebration of national competitions of Drum Majorettes of America being held at UNC-A.

MONTFORD PARK PLAYERS - "AS YOU LIKE IT"

Councilman Colton announced that the Montford Park Players in cooperation with the Parks and Recreation Department were presenting "As You Like It" at Montford Park this week. He said that he had attended a performance and recommended it as fine entertainment.

Adjournment.

Richard D. Wood Jr.
MAYOR

William E. Macaulay
CITY CLERK

RESOLUTION NO. 73-81 - RESOLUTION AUTHORIZING THE MODEL CITIES AGENCY TO BE A SERVICE INSTITUTION FOR THE SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

11. Consideration was given to a resolution authorizing the Model Cities Agency to be a service institution for the Special Food Service Program for Children.

The City Manager read the resolution and advised that this was the companion resolution referred to by Ken Michalove in the previous resolution.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 73-81 passed unanimously.

Complete text of Resolution NO. 73-81 will be found in Resolution Book No. 7 at page 72.

RESOLUTION NO. 73-82 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE AN EASEMENT IN FAVOR OF THE CAROLINA POWER AND LIGHT COMPANY

12. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute an easement in favor of the Carolina Power and Light Company on a service road at the Asheville Airport for the purpose of installing an electric power line to service the new FAA Office-Shop Building.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, Resolution No. 73-82 passed unanimously.

Complete text of Resolution No. 73-82 will be found in Resolution Book No. 7 at page 73.

PETITION - REZONING ON BEAVERDAM ROAD - GEORGE K. PETERSON

The City Manager presented a petition from George K. Peterson to rezone property on Beaverdam Road known as Ward 9, Sheet 6, Lots 28 and 28-1/2 and a triangle between Lot 28 and 29-3/4 from RA-6 to Neighborhood Trading Area.

In the absence of any objections from Council, Mayor Wood instructed the City Clerk to refer the petition to the Planning and Zoning Commission for study and recommendation.

CARROLL AVENUE BRIDGE REPORT

Mayor Wood asked for a status report on the progress being made to replace the Carroll Avenue Bridge, which had to be demolished after being damaged beyond repair by a piece of the Perry Alexander Construction equipment. The Assistant City Manager reported that Register and Cummings Engineers had been engaged to design a new structure and to furnish the city with a cost estimate for the replacement of the bridge. He said that after this work was completed the City would then be in a position to make a claim to the contractor for the cost of the reconstruction. At this time he said the best estimate of this cost was between $25,000 and $30,000. He said that no definite plans had been formulated to replace the bridge with ramps up from Valley Street.

Thursday, August 9, 1973

MAYOR WOOD ANNOUNCED THAT THE REGULARLY SCHEDULED COUNCIL MEETING WOULD NOT BE HELD ON AUGUST 9, 1973 DUE TO THE LACK OF AGENDA ITEMS SCHEDULED FOR THIS MEETING.

RESOLUTION NO. 73-85 - RESOLUTION OF NOTICE THAT THE COUNCIL WILL CONSIDER EXTENSION OF CORPORATE LIMITS OF THE CITY OF ASHEVILLE

4. Consideration was given to a resolution of notice that the Council will consider the extension of the corporate limits of the City of Asheville in the Emma area.

The City Manager read the resolution.

Henry Fisher, a local attorney and a property owner in the Emma area which is proposed for annexation, strongly opposed the move to annex this section. He said he was prepared to fight any action to proceed in this direction. He proposed that a larger meeting room be selected as he was convinced that at least 1,500 residents would be on hand at the public hearing to oppose the annexation.

Coleman Jones, a resident of the Emma section, also opposed the annexation and asked that the Council schedule the public hearing for a night time meeting since many of the residents work during the day and could not attend a 3:00 o'clock meeting. He also asked that a map of the area to be annexed be published in the paper.

Councilman Colton moved for the adoption of the resolution as presented. This motion was seconded by Councilman Ochsenreiter. Further action was delayed pending an investigation as to the advisability of changing the time and location for the meeting. It was finally decided that the special meeting would be held on September 20, 1973 at the French Broad Avenue High School, at 7:30 o'clock p.m., at which time the public hearing would be held to consider the extension of the corporate limits in the Emma section. Mayor Wood had this change written into the resolution and Councilman Colton accepted this as an amendment to his motion. On a voice vote Resolution No. 73-85 was carried unanimously.

Complete text of Resolution No. 73-85 will be found in Resolution Book No. 7 at Page 76.

RESOLUTION NO. 73-86 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR DEVELOPMENT OF AN AUTOMATED ACCOUNTING SYSTEM

6. Consideration was given to a resolution authorizing the City Manager to execute a contract for the development of an automated accounting system.

The City Manager read the resolution.

Upon motion of Councilman Hoyle, seconded by Vice Mayor Marshall, Resolution No. 73-86 was unanimously adopted.

Complete text of Resolution No. 73-86 will be found in Resolution Book No. 7 at Page 79.

REZONING REQUEST - JAMES W. DANIELS PROPERTY ON ALBEMARLE ROAD

7. Consideration was given to a recommendation from the Planning and Zoning Commission relative to the rezoning of property on Albemarle Road from RA-6 Residential District to Neighborhood Trading Area. (Lots 92 and 93, Sheet 16, Ward 2)

Regular Meeting Thursday - August 16, 1973 - 3:00 o'clock p.m.

Present: Mayor Richard A. Wood, Jr., Presiding; Vice Mayor Calvin W. Marshall, Councilmen J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilmen Ruben J. Dailey and Eugene C. Ochsenreiter, Jr.

1. Approval of minutes of August 2, 1973 meeting.

Upon motion of Councilman Morris, seconded by Vice Mayor Marshall, the minutes of the August 2, 1973 meeting were approved as submitted.

RESOLUTION NO. 73-83 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE A LEASE FOR SPACE AT THE ASHEVILLE AIRPORT TO THE NORTHWESTERN BANK

2. Consideration was given to a resolution authorizing the Mayor to execute a lease with the Northwestern Bank for space at the Asheville Airport.

The City Manager read the resolution.

Councilman Ochsenreiter took his regular seat at 3:05 o'clock p.m.

There was some discussion over the wording of the lease regarding the minimum annual rental and it was finally established that this minimum would be $2,000.00 per year.

Upon motion of Councilman Morris, sedonded by Councilman Hoyle, Resolution No. 73-83 carried unanimously.

Complete text of Resolution No. 73-83 will be found in Resolution Book No. 7 at page 74.

RESOLUTION NO. 73-84 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE LEASE FOR SPACE AT THE ASHEVILLE AIRRORT TO RAK'S, INCORPORATED

3. Consideration was given to a resolution authorizing the Mayor to execute a lease for space at the Asheville Airport to RAK'S, Incorporated.

The City Manager read the resolution.

Upon motion of Vice Mayor Marshall, seconded by Councilman Hoyle, Resolution No. 73-84 carried unanimously.

Complete text of Resolution No. 73-84 will be found in Resolution Book No. 7 at Page 75.

BIDS - FOOTBALL UNIFORMS MODEL NEIGHBORHOOD RECREATION PROGRAM

11. Consideration was given to bids received August 14, 1973 for football uniforms for the Model Neighborhood Recreational Program.

The City Manager read the bids and the recommendations of the Purchasing Agent and Director of Parks and Recreation. They recommended the low bids on items 1-7 in the amount of $3,144.15 and the contract be awarded to the low bidder, Crutchfields, Inc.

Councilman Ochsenreiter moved that the Purchasing Agents' recommendation be accepted and that the low bidder Crutchfields, Inc. be awarded the contract in the amount of $3,144.15

Bid Summary

Bidder	Items 1	2	3	4	5	6
Asheville Army Store	752.64	426.72	302.40	878.08	1066.24	68.50
Sports Mart	1114.40	778.40	554.40	1114.40	1226.40	75.00
Superior Sports Supply	817.60	470.40	403.20	980.00	1108.80	70.00
Crutchfields, Inc.	665.28	402.08	172.48	833.28	1001.28	69.75

RESOLUTION NO. 73-88 -- A RESOLUTION APPROVING AND ADOPTING BY LAWS AND PROCEDURES OF ASHEVILLE MODEL CITIES COMMISSION

12. Consideration was given to a resolution approving and adopting the by-laws and procedures of the Asheville Model Cities Commission.

The City Manager read the resolution.

In the discussion Councilman Morris stated that he could not pass on the resolution since he had not read the by-laws to be approved. He moved that this item be carried over until the next meeting. Councilman Ochsenreiter seconded this motion and it carried unanimously.

Complete text of Resolution No. 73-88 will be found in Resolution Book No. 7 at Page 81.

ORDINANCE NO. 781 - AN ORDINANCE AMENDING SUB-SECTION 1, SECTION 2-57 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

13. Consideration was given to an ordinance amending Sub-section 1, Section 2-57 of the Code of Ordinances of the City of Asheville. This ordinance would amend ordinance 675 of the City of Asheville relative to the composition of the membership of the Model Cities Commission.

The City Manager read the ordinance.

Councilman Colton moved for the adoption of the ordinance, which was seconded by Vice Mayor Marshall. On a roll call vote of 6-0, Ordinance No. 781 passed on the first reading.

RESOLUTION NO. 73-89 - A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO SELL SURPLUS EQUIPMENT USED IN THE OPERATION OF THE ASHEVILLE CITY AUDITORIUM

14. Consideration was given to a resolution authorizing the Director of Finance to sell surplus equipment used in the operation of the Asheville City Auditorium.

The City Manager read the favorable recommendation from the Planning and Zoning Commission.

Councilman Ochsenreiter moved that the matter be scheduled for a public hearing at the regular council meeting on September 13, 1973, and that the City Clerk be instructed to publish the notice at the petitioners expense. Councilman Morris seconded this motion and it carried unanimously.

RESOLTUION NO. 73-87 - A RESOLUTION OF NOTICE THAT THE COUNCIL WILL CONSIDER EXTENSION OF CORPORATE LIMITS OF THE CITY OF ASHEVILLE

8. Consideration was given to a resolution of notice that the City Council will consider the extension of the corporate limits in the Caribou Road - South Bilmtore area.

Before asking the City Manager to present the resolution, Mayor Wood instructed the Corporation Counsel to change the wording in the resolution which set the public hearing for 3:00 o'clock p.m. on September 20, 1973 in the City Council Chambers, to 7:30 o'clock on September 20, 1973 in the Auditorium of the South French Broad High School. After this change was made the City Manager was asked to read the resolution.

Upon motion of Councilman Hoyle, seconded by Vice Mayor Marshall, Resolution No. 73-87 was carried unanimously.

Complete text of Resolution No. 73-87 will be found in Resolution Book No. 7 at Page 80 /

SPECIAL MEETING OF CITY COUNCIL - SEPTEMBER 20, 1973

9. To conform with the resolutions previously passed setting the public hearings on the Emma and South Biltmore - Caribou Road annexations, Councilman Morris moved that in lieu of the regular Council meeting on September 20, 1973, that a special Council meeting be called to be held in the South French Broad High School, at 7:30 o'clock p.m. on September 20, 1973. This motion was seconded by Councilman Colton and carried unanimously.

BIDS - CIVIC CENTER EQUIPMENT

10. Consideration was given to bids received August 13, 1973 for floor cleaning machines and compactor for the Civic Center.

The City Manager read the recommendations of the Purchasing Agent and Civic Center Manager who recommended the acceptance of the low bid for each item except for item 1, the shampoo machine, and item 5, the scrubber machine. Both of these items did not meet the specifications. For item 1 he recommended the high bid of United Chemical and for item 5 he recommended a rebid with some changes in the specifications.

Councilman Morris moved that the recommendations of the Purchasing Agent and Civic Center Manager be accepted in each case. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Bid Summary	Item						
Bidder	1	2	3	4	5	6	7
United Chemical	308.55	330.65	314.40	1876.00	7950.00	346.80	323.20
Maintenance Supply	189.00	280.00	419.25	------	------	394.20	405.00
Carolina Compackagers	-----	-----	------	2424.00	------	-----	-----
Standard Paper Sales	213.00	262.50	275.80	-----	------	284.00	489.40

Thursday - August 23, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: City Manager Ernest J. Ward, Jr.

1. Approval of minutes of August 16, 1973 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Colton, the minutes of the August 16, 1973 meeting were approved as submitted.

PUBLIC HEARING - DEMOLITION OF HOUSES

ORDINANCE NO. 782 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 22 CHILES AVENUE, 81 CLINGMAN AVENUE, 34 MONROE PLACE, 192 MONTFORD AVENUE, 194 MONTFORD AVENUE, AND 100½ WOODROW AVENUE

2. A public hearing was held concerning the adoption of an ordinance directing the Housing Officer to proceed with the demolition and removal of 22 Chiles Avenue, 81 Clingman Avenue, 34 Monroe Place, 192 Montford Avenue, 194 Montford Avenue, and 100½ Woodrow Avenue.

Mayor Wood opened the public hearing at 3:04 o'clock p. m.

The Assistant City Manager read the affidavit of publication setting the time and date for the public hearing.

Mayor Wood read the names and addresses of the property owners and properties involved and then asked J. E. Johnson, Chief Building Inspector, to give a brief report on his findings in each case.

Mr. Johnson reported that each house had been inspected and hearing had been held with Findings of Fact and Orders issued to each property owner, but no repairs have been made to these houses as of this date. He said all of the houses were unfit for human habitation.

Mayor Wood closed the public hearing at 3:15 o'clock p. m.

The Assistant City Manager read the ordinance ordering the demolition of each of the houses.

Councilman Morris moved for the adoption of the ordinance directing the Housing Officer to proceed with the demolition and removal of the houses. This motion was seconded by Councilman Ochsenreiter.

On a roll call vote of 7 - 0, Ordinance No. 782 passed on its first reading.

The City Manager read the resolution and advised Council that the equipment listed was items that needed to be removed from the auditorium so that the contractor could proceed with renovation scheduled to be started after September 10, 1973

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 73-89 was carried unanimously.

Complete text of Resolution No. 73-89 will be found in Resolution Book No. 7 at Page 83.

PROPOSED WATER RATES INCREASE FOR INDUSTRIAL AND RESALE USERS

The City Manager reported to Council that he had been advised by the League of Municipalities that under the Federal Price Regulations Phase 4, local governments were exempted relative to water charges. He said that Council could now consider raising the water rates for industrial and resale users.

Councilman Ochsenreiter moved that the City Manager prepare an ordinance for Council's consideration raising the water rates with reference to the industrial and resale users. This motion was seconded by Councilman Colton and carried unanimously.

CLAIM FOR DAMAGES - WILLIAM HENRY HAGGARD, JR.

The City Manager reported that he had received a notice of a claim for damages, $15,000 bodily injury and $4,300 property loss from the attorney for William Henry Haggard, Jr. He said the claim was in connection with an automobile accident in which a city vehicle was involved. Mayor Wood instructed him to refer the claim to the Corporation Counsel.

Adjournment.

Richard A. Wood
MAYOR

William L. Mercer
CITY CLERK

ORDINANCE NO. 781 - AN ORDINANCE AMENDING SUBSECTION 1, SECTION 2-57 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

5. Consideration was given to the second reading of Ordinance No. 781, an ordinance amending Subsection 1, Section 2-57 of the Code of Ordinances of the City of Asheville relating to the membership of the Model Cities Commission.

On a roll call vote of 7 - 0, Ordinance No. 781 passed on its second reading.

Councilman Morris moved to suspend the rules and proceed with the third and final reading. Councilman Ochsenreiter seconded this motion and it was carried unanimously.

Mayor Wood asked the Assistant City Manager to read the ordinance.

On a roll call vote of 7 - 0, Ordinance No. 781 passed on its third and final reading.

Complete text of Ordinance No. 781 will be found in Ordinance Book No. 6 at page 34.

RESOLUTION NO. 73-90 - RESOLUTION ESTABLISHING INSPECTION FEES (NORTH CAROLINA STATE BUILDING CODE, VOLUME II, PLUMBING, 1968 EDITION, TOGETHER WITH 1973 EDITION ACCUMULATIVE SUPPLEMENT) UNDER ORDINANCE 779, SECTION 20-1 (a), ADOPTED 2 AUGUST 1973

6. Consideration was given to a resolution establishing inspection fees (North Carolina State Building Code, Volume II, Plumbing, 1968 Edition, together with 1973 Edition accumulative Supplement) under Ordinance 779, Section 20-1 (a) adopted 2 August, 1973.

The Assistant City Manager read the resolution.

Corporation Counsel, Robert J. Robinson, explained to Council that the City would be employing a plumbing inspector shortly, and this resolution would establish rates for plumbing inspections and it would be followed by an ordinance establishing rates in accordance with statutory procedures.

Upon motion of Councilman Hoyle, seconded by Councilman Colton, Resolution No. 73-90 was unanimously adopted.

Complete text of Resolution No. 73-90 will be found in Resolution Book No. 7 at page 85.

RESOLUTION NO. 73-91 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE ESTABLISHING INSPECTION FEES UNDER THE NORTH CAROLINA STATE BUILDING CODE, VOLUME II, PLUMBING, 1968 EDITION, TOGETHER WITH 1973 EDITION ACCUMULATIVE SUPPLEMENT ADOPTED BY ORDINANCE 779, AS SECTION 20-1 (a) OF THE CODE OF ORDINANCES ON 2 AUGUST 1973

7. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance establishing inspection fees under the North Carolina State Building Code, Volume II, Plumbing, 1968 Edition, together with 1973 Edition accumulative supplement adopted by Ordinance No. 779, as Section 20-1 (a) of the Code of Ordinances on 2 August 1973.

PUBLIC HEARING - CHARLOTTE STREET CONDOMINIUMS SITE PLAN

3. A public hearing was held to consider the approval of an amended site plan for the Charlotte Street Condominiums.

Mayor Wood opened the public hearing at 3:23 o'clock p. m.

The Assistant City Manager read the affidavit of publication setting the time and date for the public hearing.

Mr. Kmecza, Planning Director, reported that the Planning and Zoning Commission had reviewed the site plan for the Charlotte Street Condominiums on July 11, 1973 and recommended approval of the plan. However, Traber Associates, architects, submitted a plot plan showing minor changes and the Planning and Zoning Commission reviewed the amended site plan on August 1, 1973 and recommended approval of the amended plan.

Members of Council asked Mr. Kmecza if the site plan met requirements relative to providing recreational facilities for the condominiums.

Mr. Larry Traber, architect, told Council that no recreational facilities were provided for in the plan. He said that this development was intended particularly for elderly people and playgrounds would not be appropriate.

Mr. Bill Frue, an attorney representing the developer, stated that the green areas around the condominiums could be used for recreation areas if they were needed and the developer probably would not object to providing some recreational facilities.

After some discussion, Mayor Wood closed the public hearing at 3:38 o'clock p. m.

Councilman Ochsenreiter moved for the approval of the group development plan for the Charlotte Street Condominiums. This motion was seconded by Councilman Hoyle and carried unanimously.

RESOLUTION NO. 73-88 - RESOLUTION APPROVING AND ADOPTING BY-LAWS AND PROCEDURES OF THE ASHEVILLE MODEL CITIES COMMISSION

4. Consideration was given to a resolution approving and adopting by-laws and procedures of the Asheville Model Cities Commission.

The Assistant City Manager read the resolution.

Mayor Wood noted that this resolution was brought before Council at last weeks meeting and on motion action was deferred until this time. He said one change was informally made at last weeks meeting by striking out a provision in the by-laws which would require that any recommendations coming to Council from the Model Cities Commission be scheduled at the next session of Council. This deletion was made in order not to put restrictions on the scheduling of items for the meetings.

Councilman Morris moved to approve the by-laws as recommended by the Model Cities Commission with the deletion of the last portion of the sentence in Article 9 of the by-laws relating to the scheduling of action by the City Council. This motion was seconded by Councilman Dailey and passed unanimously.

Complete text of Resolution No. 73-88 will be found in Resolution Book No. 7 at page 82.

SIGN PERMIT APPLICATION - CLYDE SAVINGS AND LOAN ASSOCIATION

10. Consideration was given to the approval of an application for a sign permit for Clyde Savings and Loan Association. This permit required Council's approval as it was within 200 feet of the right of way for the Crosstown Expressway.

A representative of the Clyde Savings and Loan Association told Council the sign to be erected was a duplication of the sign now in front of the building.

Councilman Colton moved to approve the application authorizing the Building Inspector to issue the permit for the sign. This motion was seconded by Councilman Hoyle and passed unanimously.

RESOLUTION NO. 73-94 - RESOLUTION APPOINTING VIRGINIA McELREATH TO THE ASHEVILLE-BUNCOMBE DRUG AND ALCOHOL ABUSE ADVISORY COMMISSION

11.Consideration was given to a resolution appointing Virginia McElreath to the Asheville-Buncombe Drug and Alcohol Abuse Advisory Commission.

The Assistant City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 73-94 passed unanimously.

Complete text of Resolution No. 73-94 will be found in Resolution Book No. 7 at page 90.

EQUAL RIGHTS DAY - AUGUST 26, 1973

Mrs. Florence Ryan presented Council with a request to proclaim August 26th, Equal Rights Day in commeration of the courageous women and men who fought for the Woman Sufferage Amendment to the U. S. Constitution which was ratified on August 26, 1920.

Councilman Dailey moved to proclaim August 26, 1973 as Equal Rights Day. This motion was seconded by Councilman Ochsenreiter and passed unanimously.

DAN MOSSELLER - 22 CHILES AVENUE

Mr. Dan Mosseller, owner of 22 Chiles Avneue, strongly opposed the ordinance to demolish the house at 22 Chiles Avenue. He said the house does not hurt or harm anyone and was not unfit for human habitation. He threatened bodily harm to anyone who attempted to demolish this house.

COMPLAINT - MRS. RUTH MILLS - HANOVER STREET

Mrs. Ruth Mills, 121 Hanover Street, told Council that Ralph King of 126 Hanover Street was running a trucking business at his home. She said that large trailers had been parked on the street and refrigerator units were left running for long periods of time making sleep almost impossible. Mrs. Mills said that Hanover Street was a narrow street and trucks parked on the street made traveling difficult.

The Assistant City Manager read the resolution.

Vice-Mayor Marshall moved for the adoption of the resolution setting September 13, 1973 as the public hearing date. This motion was seconded by Councilman Hoyle and unanimously adopted.

Complete text of Resolution No. 73-91 will be found in Resolution Book No. 7 at page 87.

RESOLUTION NO. 73-92 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE HEATING AND AIR CONDITIONING CONTRACT CHANGE ORDERS FOR THE LOWER EXHIBITION AREA OF THE CIVIC CENTER, MAIN LEVEL AND MUSEUM AREAS OF THE EXISTING AUDITORIUM

8. Consideration was given to a resolution authorizing Mayor to execute Heating and Air Conditioning Contract Change Orders for the lower exhibition area of the Civic Center, Main Level and Museum Areas of the existing auditorium.

The Assistant City Manager read the resolution and a letter of recommendation from Baber, Cort and Wood, architects, who recommended that City Council award contracts to Moser, Inc.

Upon motion of Councilman Morris, seconded by Councilman Dailey, Resolution No. 73-92 passed unanimously.

Complete text of Resolution No. 73-92 will be found in Resolution Book No. 7 at page 88.

RESOLUTION NO. 73-93 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RENEWAL OF LEASE FOR SPACE OCCUPIED BY PACK MEMORIAL PUBLIC LIBRARY

9. Consideration was given to a resolution authorizing Mayor to execute renewal of lease for space occupied by Pack Memorial Public Library.

The Assistant City Manager read the resolution.

Mayor Wood read a letter from the Library Board recommending the execution of the lease and explaining that the lease was only for a 3 year period and that if the decision to construct a new library were made it would take at least 3 years to complete.

Councilman Morris moved for the adoption of the resolution authorizing the Mayor to execute the lease and to insert the dates commencing September 1, 1973 and ending August 31, 1976. This motion was seconded by Councilman Hoyle and passed unanimously.

Complete text of Resolution No. 73-93 will be found in Resolution Book No. 7 at page 89.

Thursday - August 30, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of August 23, 1973 meeting.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, the minutes of the August 23, 1973 meeting were approved as submitted.

ORDINANCE NO. 782 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 22 CHILES AVENUE, 81 CLINGMAN AVENUE, 34 MONROE PLACE, 192 MONTFORD AVENUE, 194 MONTFORD AVENUE, AND 100½ WOODROW AVENUE

2. Consideration was given to the second reading of an ordinance directing the Housing Officer to demolish those houses known as 22 Chiles Avenue, 81 Clingman Avenue, 34 Monroe Place, 192 Montford Avenue, 194 Montford Avenue, and 100½ Woodrow Avenue.

Mayor Wood requested the City Manager to read the addresses and owners of the houses scheduled for demolition.

On a roll call vote of 7 - 0, Ordinance No. 782 passed on its second reading.

RESOLUTION NO. 73-95 - RESOLUTION ESTABLISHING WATER RATES FOR ALL INDUSTRIAL CONSUMERS OF THE CITY OF ASHEVILLE WATER DEPARTMENT WITH THE EXCEPTION OF GERBER PRODUCTS COMPANY

3. Consideration was given to a resolution establishing water rates for all industrial consumers of the City of Asheville Water Department with the exception of Gerber Products Company.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Vice-Mayor Marshall, Resolution No. 73-95 was unanimously adopted.

Complete text of Resolution No. 73-95 will be found in Resolution Book No. 7 at page 91.

RESOLUTION NO. 73-96 - RESOLUTION ESTABLISHING WATER RATES FOR SALE OF WATER BY THE CITY OF ASHEVILLE TO CUSTOMERS FOR RESALE

4. Consideration was given to a resolution establishing water rates for sale of water by the City of Asheville to customers for resale.

The City Manager read the resolution.

Upon motion of Councilman Hoyle, seconded by Councilman Morris, Resolution No. 73-96 was unanimously adopted.

Mayor Wood instructed the Assistant City Manager to work with the Corporation Counsel, Chief Hall, and Mr. Johnson to see what could be done about the situation and to report their findings to Council at the next meeting.

GLEN BISSETTE - 95 LAKEWOOD DRIVE

Mr. Glen Bissette, 95 Lakewood Drive, spoke in favor of the ordinance to demolish 22 Chiles Avenue. He asked Council to follow through on their decision to demolish this residence.

Adjournment.

Richard D. Wood

MAYOR

William D. McCarthy

CITY CLERK

REQUEST TO REPEAL ORDINANCE ON SUNDAY SALE OF BEER AND WINE

Mr. Ted Linn, local beer distributor, opened the discussion on the recent North Carolina Court of Appeals ruling that validated the City of Asheville's Sunday Beer Ordinance. He said he favored the repeal of the ordinance and that there were several other persons in attendance who would like to be heard.

The following persons spoke in favor of repealing the ordinance:

Mrs. Myrtle Stamey - Manager of the Seasons Restaurant
Mr. Bill Kimsey - Manager of the Discount Beverage Stores
Mr. D. C. Carter - Manager of the Ice Service Stores
Mr. Peter Mallett, Chairman of the Beer Wholesalers Association and a local beer distributor, presented copies of a petition to Council and read its contents. The petition was as follows:

294 Riverside Drive
Asheville, N. C. 28802

August 29, 1973

The Asheville City Council
City Building
Asheville, N. C.

Gentlemen:

The undersigned respectfully petitions the Council of the City of Asheville to rescind Section 4-1 of the Code of Oridnances.

After adoption of this rescindment, the City Ordinances will conform to the limitations imposed by the North Carolina Legislature which are as follows:

Hours of sale of beer and wine; license forfeiture.

It shall be unlawful for any person to sell beer or wine between the hours of 1:00 a. m. and 7:00 a. m., nor shall any beer or wine be consumed in any place where beer or wine is sold between the hours of 1:30 a. m. and 7:00 a. m. Provided, however, that during the period commencing on the last Sunday of October each year, these beverages may be sold until 2:00 a. m. and may be consumed on the licensed premises until 2:30 a. m. Subsequently, on Sundays, sales of these beverages may not resume until 1:00 p. m.

The time limitations prescribed above are taken directly from NCGS 18-A-33. The period from "the last Sunday of April each year and ending on the last Sunday of October each year" encompasses the period of daylight saving time.

Yours very truly,
/s Peter Mallett

Peter Mallett

Complete text of Resolution No. 73-96 will be found in Resolution Book No. 7 at page 92.

RESOLUTION NO. 73-97 - RESOLUTION SETTING RATES FOR FOOTBALL GAMES AT THE MEMORIAL STADIUM

5. Consideration was given to a resolution setting rates for football games at the Memorial Stadium.

The City Manager read the resolution and explained that the increase in rates was recommended by the Parks and Recreation Advisory Board.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 73-97 was unanimously adopted.

Complete text of Resolution No. 73-97 will be found in Resolution Book No. 7 at page 93.

RESOLUTION NO. 73-98 - RESOLUTION ELECTING MEMBERS OF THE PLANNING AND ZONING COMMISSION FOR THE CITY OF ASHEVILLE (J. Bertram King, Roger M. Lyda, James W. Daniels, Mrs. Norma T. Price, Joseph L. Brady)

6. Consideration was given to a resolution electing members of the Planning and Zoning Commission for the City of Asheville.

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Vice-Mayor Marshall, Resolution No. 73-98 was unanimously adopted.

Complete text of Resolution No. 73-98 will be found in Resolution Book No. 7 at page 94.

RESOLUTION NO. 73-99 - RESOLUTION APPOINTING MEMBERS TO THE BOARD OF DIRECTORS OF THE ASHEVILLE-BUNCOMBE COMMUNITY RELATIONS COUNCIL (Karl H. Straus and J. C. Hall)

7. Consideration was given to a resolution appointing members to the Board of Directors of the Asheville-Buncombe Community Relations Council.

The City Manager read the resolution.

Upon motion of Councilman Dailey, seconded by Councilman Hoyle, Resolution No. 73-99 was unanimously adopted.

Complete text of Resolution No. 73-99 will be found in Resolution Book No. 7 at page 95.

CLAIMS - VIRGINIA W. YORK AND BERTHA L. SWAYNGIM

The City Manager presented a claim from Virginia W. York for damages to a dwelling and a claim from Bertha L. Swayngim for bodily injury resulting from a fall on Broadway.

Mayor Wood instructed the City Manager to refer the claims to the Corporation Counsel.

Thursday - September 6, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen J. W. Hoyle, Henry E. Colton, Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Ralph D. Morris, Jr.

1. Approval of minutes of August 30, 1973 meeting.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, the minutes of the August 30, 1973 meeting were approved as submitted.

ORDINANCE NO. 782- AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 22 CHILES AVENUE, 81 CLINGMAN AVENUE, 34 MONROE PLACE, 192 MONTFORD AVENUE, 194 MONTFORD AVENUE AND 100½ WOODROW AVENUE

2. Consideration was given to the third and final reading of an ordinance directing the Housing Officer to demolish those houses known as 22 Chiles Avenue, 81 Clingman Avenue, 34 Monroe Place, 192 Montford Avenue, 194 Montofrd Avenue, and 100½ Woodrow Avenue.

The City Manager was requested to read the addresses of properties to be demolished and the owners of record.

On a roll call vote of 6 - 0, Ordinance No. 782 passed on its third and final reading.

Complete text of Ordinance No. 782 will be found in Ordinance Book No. 6 at page 35 .

ORDINANCE NO. 783 - AN ORDINANCE REPEALING SECTION 4-1 OF THE ASHEVILLE CODE OF ORDINANCES (ORDINANCE NO. 289) RELATING TO THE SALE OF BEER AND WINE ON SUNDAY

3. Consideration was given to an ordinance repealing Section 4-1 of the Asheville Code of Ordinances relating to the sale of beer and wine on Sunday.

The City Manager read the proposed ordinance.

Mr. Phil Celestin, President of Skyland Beer Distributors, speaking in behalf of the beer distributors, motel owners, and restaurant owners, presented a petition which he claimed contained approximately 13,000 signatures all indicating their favoring the sale of beer and wine on Sunday. It could not be determined if all the signers were residents of the City of Asheville.

Mr. Paul Justice, Pastor of Newbridge Baptist Church, spoke in opposition to the ordinance. He stated that he felt that 6 days of the week was sufficient time to purchase all the beer and wine needed for consumption by any individual.

Mr. Phil Sulterson, local beer distributor
Mr. Al Harazin, Manager of the Asheville Orioles Baseball Club
Mr. Tommy Arakas, owner of the Asheville Airport Restaurant
Mr. John Stephens, owner of Lum's Restaurant
Mr. Chris Moutos, owner of the Three Mountaineer Restaurant

Mr. E. R. McCarthy suggested to Council that a referendum be called to allow everyone to voice their opinion.

Mayor Wood asked Police Chief J. C. Hall for his comments. He presented statistics on the number of public drunks and driving drunks arrested for the period 1969 - 1973. This showed a decrease in the public drunks arrested and an increase in the number of driving drunk cases. Chief Hall said that most of the driving drunk cases were on Friday and Saturday nights. He further stated that it didn't make much sense to ban beer and wine sales and allow the consumption of stronger beverages.

Councilman Colton said that even though he was certain Council was only hearing one side of the question, he would make a motion that the Corporation Counsel be instructed to prepare an ordinance revoking the present ordinance, and that it be presented for Council's consideration at the next meeting. This motion was seconded by Councilman Morris and carried unanimously.

PETITION - WEST ASHEVILLE BUSINESS MEN'S CLUB

Mr. E. L. Dickson of Burton Street presented a petition to Council on behalf of the West Asheville Businessmen's Club, requesting that the area in the vicinity of Burton , Bryant, Downing, Fayetteville Streets and Mardell Circle be cleared of Junk Cars and condemned houses and that the right of way of the streets be cleared of trees and brush.

Mayor Wood instructed the City Manager to investigate and report back to Council.

HANOVER STREET - PARKING OF TRAILERS

Chief Building Inspector, J. E. Johnson, was asked for a report on the progress being made to eliminate the parking of trailers on the residential portion of Hanover Street and the use of residential property to carry on a business of repairing tractors. Mr. Johnson said that he was prepared to site Mr. Ralph King, owner of the property at 126 Hanover Street in violation of the Zoning Ordinance for conducting a business on a residential lot and that he was waiting for Council's instructions before issuing the notice for Mr. King to abate the violation.

Vice-Mayor Marshall moved to instruct the Building Inspector to issue the notice to Mr. King. This motion was seconded by Councilman Hoyle and carried unanimously.

Mayor Wood instructed the Corporation Counsel to prepare an ordinance that would control parking on residential streets. The City Manager was instructed to contact the Planning Department and request that they give their views in this regard.

Adjournment.

Richard W. Wood, Jr.
MAYOR

William S. Malcolm
CITY CLERK

Alan Lang, of the Planning Staff, said that he agreed with Mr. Johnson that the truck parking restriction could be more readily enforced under a traffic ordinance [redacted] zoning ordinance.

Chief J. C. Hall stated that he had many complaints of truck drivers parking their tractor-trailer rigs in front of their residence for extended periods of time. He felt that this practice should be controlled through an ordinance.

Mayor Wood requested that the Corporation Counsel work with J. E. Johnson and Chief Hall in preparing an ordinance for Council's consideration and to present it at the next meeting.

SPECIAL DEMOLITION CREW

The City Manager reported that in view of the number of houses being ordered for demolition a special crew was being formed in the Public Works Department to expedite this phase of the program.

PROGRESS REPORT ON PETITION FROM WEST ASHEVILLE PROGRESSIVE MEN'S CLUB

J. E. Johnson, Building Inspector, reported that as instructed he had investigated the petition of the West Asheville Progressive Men's Club requesting that the area in the vicinity of Bryant, Burton, Downing, Fayetteville Streets and Mardell Circle be cleared of junk cars and condemned houses and that the right of way of the streets be cleared of trees and brush. To date he said his office had removed a junk car and started demolition proceedings on seven houses. Mr. Ward assured Council that work would continue in this area.

RESOLUTION NO. 73-100 - RESOLUTION APPOINTING A MEMBER TO THE MODEL CITIES COMMISSION (John M. Hawn)

Consideration was given to a resolution appointing John M. Hawn to the Model Cities Commission to replace Fenton T. Erwin who has resigned.

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, Resolution No. 73-100 passed unanimously.

Complete text of Resolution No. 73-100 will be found in Resolution Book No. 7 page 96.

Adjournment.

Richard D. Wood

MAYOR

William J. Macaulay

CITY CLERK

The following individuals spoke in opposition to the passage of the ordinance legalizing the sale of beer and wine on Sunday:

Lewis Jeffery - 27 Lyndale Avenue
Mrs. Sadie Swann
Hall Powell - 39 Brookcliff Drive
Bill Jenkins - Pastor of the Emma Baptist Church
Robert Harris
Bud Corbin
Ken Moltsby
John Hicks - 80 Sulphur Springs Road
Herbert McGlamery - 21 Brevard Road

Bill Horton, 49 Tampa Avenue, speaking in opposition stated that in the past few weeks he had contacted many residents and that he found 95% against repealing the ordinance now on the books. He asked Council to give every consideration before making their decision on the proposed ordinance.

Brand Clark, 59 Madeline Avenue, after speaking in opposition, asked Mayor Wood for permission to say a prayer before Council considered the ordinance. Mayor Wood advised him that it was not appropriate but if he wished to do this unofficially Council would not object.

There being no further discussion, Councilman Colton moved for the adoption of the ordinance. This was seconded by Councilman Dailey and on a roll call vote of 6 - 0, Ordinance No. 783 passed on the first reading. Mayor Wood scheduled the second reading for the next meeting.

BID - SURPLUS PROPERTY AT CITY AUDITORIUM

The City Manager read a memorandum from the Purchasing Agent advising him that bids were scheduled to be received on September 5, 1973 for previously declared surplus property at the City Auditorium. At this time no one submitted a bid and therefore the Director of Finance or the Civic Center Manager would have to dispose of the property at their discretion. Mr. Ward advised Council that he had instructed the Civic Center manager to contact the City Department Heads to determine if they could use any of the property. He said his second priority was the City Schools and that he was asking the contractor to set aside the old radiators and air conditioning equipment in view of rebidding these items.

TRUCK PARKING RESTRICTIONS ON RESIDENTIAL STREETS

The City Manager reported that as requested by Council at a previous meeting he had requested a recommendation from the Building Inspector and Planning Staff on the proper method of controlling truck parking in residential areas. He read a memorandum from J. E. Johnson, Building Inspector, which recommended that the control be put under a traffic ordinance regulated by the Police Department.

When asked to comment Mr. Johnson repeated his recommendation and when questioned as to why the Zoning Ordinance should not cover this situation he said that it was a matter of enforcement. He said the Police Department was in a more advantageous position to enforce a restriction of this kind.

Mayor Wood called on Mr. Kmecza, Planning Director, to describe the procedure followed by the Planning and Zoning Commission at the meeting. He said that the meeting was adjourned to the Daniels site and that after some discussion was continued inside the Daniels building. He said the press was present but he did not recall whether the public was encouraged to join the meeting.

Councilman Colton asked Mr. Kmecza what uses were permitted in a Neighborhood Trading Area. Mr. Kmecza read the permitted uses from the Zoning Ordinance. A discussion followed on the possibility of the present Daniels operation being a non-conforming use and the need for additional parking.

Mayor Wood closed the public hearing at 3:48 o'clock p. m. and requested the City Manager to read the ordinance.

Councilman Morris moved that the petition be referred back to Planning and Zoning Commission. He said he would like for Planning and Zoning to determine if the Daniels operation was non-conforming and thus the need for additional parking. He also thought that there should be some way to zone residential property for parking without changing the entire zoning category. This motion was seconded by Councilman Hoyle. Councilman Morris accepted an amendment by Councilman Colton, that any action taken in this matter be at a public meeting. Councilman Morris' motion was carried unanimously.

PUBLIC HEARING - ESTABLISHING PLUMBING INSPECTION FEES

ORDINANCE NO. 784 - AN ORDINANCE ESTABLISHING INSPECTION FEES UNDER THE NORTH CAROLINA STATE BUILDING CODE, VOLUME II, PLUMBING, 1968 EDITION, TOGETHER WITH 1973 EDITION ACCUMULATIVE SUPPLEMENT ADOPTED BY ORDINANCE 779 AS SECTION 20-1 (a) OF THE CODE OF ORDINANCES ON 2 AUGUST 1973

3. A public hearing was held to consider the passing of an ordinance establishing plumbing inspection fees.

Mayor Wood opened the public hearing at 3:52 o'clock p. m. and requested the City Manager to read the affidavit of publication setting the time and date for the hearing.

J. E. Johnson, Chief Building Inspector, called to Council's attention the recent adoption of Ordinance No. 779 providing for plumbing inspections in the City. He said that the passage of the ordinance now before them would establish the fees for carrying out the required inspections.

There was no further discussions and Mayor Wood closed the public hearing at 3:57 o'clock p. m. The City Manager was then requested to read the ordinance.

Councilman Ochsenreiter moved for the adoption of the ordinance which was seconded by Vice-Mayor Marshall. On a roll call vote of 7 - 0, Ordinance No. 784 passed on the first reading.

COUNCIL RECESSED

At this time, Mayor Wood recessed the Council meeting for five minutes.

Thursday, September 13, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Henry E. Colton, Ruben J. Dailey, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of September 6, 1973 meeting.

PUBLIC HEARING - REZONING OF PROPERTY ON ALBEMARLE ROAD

1. A public hearing was held to consider the rezoning of Lots 92-93, Sheet 16, Ward 2 to a point 20 feet from Albemarle Road, from RA-6 Residential District to Neighborhood Trading Area.

Mayor Wood opened the public hearing at 3:04 o'clock p. m. and requested the City Manager to read the affidavit of publication setting the time and date for the hearing.

Alan Lang, member of the Planning Staff was requested to read the memorandum from the Planning and Zoning Commission which recommended the zoning change.

Mr. Russ Martin speaking in behalf of the residents of the area presented a petition signed by approximately 24 different families in the area requesting that the rezoning be denied. He said that the petitioners did not object to the originally proposed 75 foot buffer zone but strongly objected to the recommended 20 foot.

Mrs. Ruth Chambers, a resident of Albemarle Road for 22 years, opposed the rezoning and cited the increase in traffic as undesirable. She further stated that she objected to the procedure followed by the Planning and Zoning Commission in moving the meeting to the Daniels site. She said that shortly after arriving there it started raining and that Mr. Daniels and members of the committee went inside the Daniels building to continue the meeting without inviting other interested persons to join them.

Mr. Fred Hunt, 44 Albemarle Road, spoke in opposition to the rezoning and also objected to the more or less closed meeting described by Mrs. Chambers.

Mr. James Daniels, the petitioner, spoke in favor of his petition and described his plan for the use of the property. He said he planned to use the alley as a means of access. He said he owned the property in fee simple and intended to use it strictly as a parking lot. He asked that Council consider a 5 foot buffer zone instead of the 20 foot buffer requested in the petition, as there was a natural terrain break at this point. He further stated that he had also purchased the property adjacent to the one in question and it was his intention to renovate the house on this property to be used as residential rental property.

Councilman Colton questioned Mr. Daniels on the future use of the rental property if it was rezoned. It was concluded that at some future time this could be converted into business property and not be entirely restricted by the 5 foot buffer zone on Albemarle Road.

Councilman Bailey then moved to suspend the rules and call for the third and final reading of the ordinance. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Before the final vote was taken Councilman Ochsenreiter made the following statement:

"Mr. Mayor, this may be a little bit out of order, but I couldn't vote in good conscience without expressing one or two points of view - a real small story - I happen to play golf on Sunday morning, and not too long ago going down the 5th fairway on the course I was playing, a car went by and as they went by, they rolled down the window and hollared at us "Why don't you hypocrites go to church?" It so happens that I am a Catholic and I had already been to church. I think that sometimes we miss the point of what a Christian really is. I know from first hand experience, without going into details, of taking my mother to cure centers, so I know the penalty of being an alcoholic, but theres no law that can control it whether its on Sunday - Rev. Grant - or Monday, Tuesday, Wednesday, Thursday, Friday, or Saturday. There's a man back there that just talked about what the law is, I believe it is within yourself. For those that believe as they do and most of us believe this, its a game of perseentages and you need to persist because thats not the only sin that we commit that we need to persist in. I think that if we've learned anything today we have learned to share our opinions and our hopes, and Don (Taylor), to you particularly, and to some others of you, I think that if this is the only decision that we could make that satisfies you that we are good or bad representatives, we are sicker than we think and not just in alcoholism."

On a roll call vote of 7-0, Ordinance No. 783 passed on the third and final reading.

Complete text of Ordinance No. 783 will be found in Ordinance Book No. 6 at page 38.

BIDS - FAIRWAY MOWER FOR THE PARKS AND RECREATION DEPARTMENT

5. Consideration was given to bids received September 7, 1973 for one (1) Fairway seven gang mower with tractor for the Parks and Recreation Department.

The City Manager read a memorandum from the Purchasing Agent recommending the acceptance of the low bid of $7,367.20 submitted by Porter Brothers, Inc. of Shelby, N. C. Ray Kisiah, Director of Parks and Recreation concurred in the recommendation.

Councilman Morris moved that the low bid of $7,367.20 submitted by Porter Brothers, Inc. be accepted. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

R. P. Johnson and Sons	$9,500.00
Porter Bros. Inc.	7,367.20
E. J. Smith and Sons Co.	7,826.65

ORDINANCE NO. 783 - AN ORDINANCE REPEALING SECTION 4-1 OF THE ASHEVILLE CODE OF ORDINANCES (ORDINANCE NO. 289) RELATING TO THE SALE OF BEER AND WINE ON SUNDAY

4. Consideration was given to the second reading of Ordinance No. 783, an ordinance repealing Section 4-1 of the Asheville Code of Ordinances relating to the sale of beer and wine on Sunday.

There was a lengthy discussion both for and against the repeal of the ordinance. The following citizens spoke in support:

Cecil Cassidy - 18 Broadway - Smokey Mtn. Tavern
William Fass - Irongate Restaurant
D. C. Carver - Ice Service Stores
Tommy Arakas - Asheville Airport Restaurant
John Fife - Manager Holiday Inn East
Cal Jones - Manager Babe Malloy's Drive Inn
Bill Thompson - Manager for 5 Quick Shop Stores
Mrs. Hoffman - Owner of Minim Drive Inn on Patton Avenue
Chris Moutous - Three Mountaineer Restaurant and Motel
Zac Winston - Civic Center Motel
Phil Celestin - President Skyland Distributors
Doris Burns - Haywood Road Drive Inn

The following citizens spoke in opposition to the repeal of the ordinance:

Rev. Wesley Grant - Pastor, Worldwide Missionary Baptist Tabernacle
Rev. Paul Justice - Pastor, Newbridge Baptist Church
Joseph Ryan - 437 [illegible] Road
John Knight - 141 Clarenden Road
Elizabeth Knight - 141 Clarenden Road
Don Taylor - Don Taylor Insurance Agency - 198 Patton Avenue
Violet Justice - 199 Elkwood Avenue
Mrs. Fox
Rev. Bill Jenkins - Pastor, Emma Baptist Church
Shelby Horton - Attorney
Mrs. Allison Howell - 124 Westwood Road
Mike Smith - 62 Cumberland Avenue
Rev. R. M. Honeycutt - Pastor, Buena Vista Baptist Church
David Ricktor

Robert Hauck, Executive Vice-President of WKKE said that his station had taken a public opinion poll between the hours of 11:15 a. m. and 11:45 a. m. on September 12, 1973 and that the results of 50 calls received, 39 were in favor and 11 were against. He said it was a spur of the moment sampling and that he felt that most of the calls were from adults.

E. R. McCarthy repeated his suggestion from the previous meeting that the question should be decided by a referendum.

It was the concensus of opinion of those for and against that the two remaining readings should be carried out at the present meeting so that the question would be resolved without further discussion.

Mayor Wood requested the City Manager to read the ordinance in its entirety. On a roll call vote of 7 - 0, Ordinance No. 783 passed on the second reading.

ORDINANCE NO. 785- AN ORDINANCE TO PROHIBIT THE PARKING OF TRUCKS AND OTHER LARGE VEHICLES IN AREAS ZONED RESIDENTIAL

9. Consideration was given to an ordinance to prohibit the parking of trucks and other large vehicles in areas zoned residential.

The City Manager was requested to read the ordinance after which he told Council that this ordinance was being presented as a result of continous complaints from the residents of Hanover Street that Mr. Ralph King was parking large trailers on the street causing a hazardous condition.

Mr. King was present at the meeting and presented his position to Council. He said that the trailers were only parked there long enough for the drivers to get a few hours rest before continuing on there run.

Councilman Morris made the motion to adopt the ordinance, which received a second from Councilman Hoyle. On a roll call vote of 7 - 0, Ordinance No. 785 passed on the first reading.

REZONING REQUEST - GEORGE K. PETERSON

The City Manager read a memorandum from the Planning and Zoning Commission in which they recommended that the request of George K. Peterson to rezone Lots 28 and 28-1/2, Ward 9, Sheet 6, from RA-6 Residential to Neighborhood Trading Area, be denied. He also read a letter from Mr. Peterson requesting a public hearing before City Council.

Councilman Morris moved to advertise for a public hearing on the matter for October 18, 1973 and that the advertisement be at the petitioners expense. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

PROCLAMATION - CONSTITUTION WEEK - September 17 through 23, 1973

Mayor Wood proclaimed the week of September 17 through 23, 1973 as Constitution Week.

STATE REPRESENTATIVE CLAUDE DEBRUHL - N. C. STATE RETIREMENT SYSTEM

State Representative Claude DeBruhl told Council that he had many requests from City Employees that they be included in the State Retirement System and he asked Council for their postion on the matter. Mayor Wood advised him that $12,000 had been allocated in the 1973-74 budget to make a study of the City's Pension System and that this report should be available by early spring. He said that any decision on the matter would probably be reflected in the 1974-75 budget.

COUNCILMAN COLTON - COMPLIMENTED POLICE AND FIRE DEPARTMENTS

Councilman Colton complimented the Police and Fire Departments for thier efficient handling of the large number of people both participating and attending the consecration ceremonies of Bishop Weinhauer last Thursday night at the City Auditorium.

REGULAR MEETING OF SEPTEMBER 20, 1973 TO BE HELD AT SOUTH FRENCH BROAD HIGH SCHOOL

There being no futher business, Councilman Ochsenreiter moved that the meeting be adjourned to reconvene again at 7:30 o'clock p. m. at the South French Broad Junior High School. This motion was seconded by Councilman Hoyle and carried unanimously.

Richard L. Wood, Jr.
MAYOR

William F. Holcatt by
CITY CLERK

RESOLUTION NO. 73-101 - RESOLUTION AUTHORIZING EXTENSION OF THE AGREEMENT WITH ASHEVILLE PARK AND RECREATION DEPARTMENT FOR OPERATION OF "NEIGHBORHOOD FACILITIES PROGRAM (Livingston Street School)" OF THE SECOND ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

6. Consideration was given to a resolution authorizing extension of the agreement with Asheville Park and Recreation Department for operation of "Neighborhood Facilities Program(Livingston Street School)" of the Second Action Year Comprehensive City Demonstration Program.

The City Manager read the resolution and explained that the Neighborhood Facilities Program was already in operation and that the approval of this resolution would continue it until the total funds were expended.

Councilman Ochsenreiter moved for the adoption of the resolution, which was seconded by Councilman Colton and carried unanimously.

Complete text of Resolution No. 73-101 will be found in Resolution Book No. 7 at page 97.

RESOLUTION NO. 73-102 - RESOLUTION AUTHORIZING EXTENSION OF THE AGREEMENT WITH ASHEVILLE PARK AND RECREATION DEPARTMENT TO PROVIDE FUNDING FOR ARCHITECTURAL SERVICES FOR THE "NEIGHBORHOOD FACILITIES PROGRAM (Livingston Street School)" OF THE FIRST ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

7. Consideration was given to a resolution authorizing extension of the agreement with Asheville Park and Recreation Department to provide funding for architectural services for the "Neighborhood Facilities Program (Livingston Street School)" of the First Action Year Comprehensive City Demonstration Program.

The City Manager read the resolution.

Upon motion of Councilman Dailey, seconded by Councilman Hoyle, Resolution No. 73-102 was carried unanimously.

Complete text of Resolution No. 73-102 will be found in Resolution Book No. 7 at page 100.

RESOLTUION NO. 73-103 - RESOLUTION AUTHORIZING EXECUTION OF A THIRD PARTY CONTRACT BETWEEN THE CITY OF ASHEVILLE AND THE BUNCOMBE COUNTY HEALTH DEPARTMENT FOR THIRD ACTION YEAR OPERATION OF THE CONSOLIDATED HEALTH PROJECT OF THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM

8. Consideration was given to a resolution authorizing execution of a third party contract between the City of Asheville and the Buncombe County Health Department for third action year operation of the Consoldiated Health Project of the Comprehensive City Demonstration Program.

The City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman [illegible], Resolution No. 73-103 carried unanimously.

Complete text of Resolution No. 73-103 will be found in Resolution Book No. 7 at page 103.

September 20, 1973

MAYOR WOOD ANNOUNCED TODAY THAT DUE TO TECHNICAL DEFECTS IN THE ANNEXATION PROCEDURES FOR THE EMMA AND SOUTH BILTMORE-CARIBOU ROAD AREAS, THE PUBLIC HEARINGS SCHEDULED FOR THE CITY COUNCIL MEETING THURSDAY NIGHT, SEPTEMBER 20, 1973 AT SOUTH FRENCH BROAD HIGH SCHOOL HAVE BEEN CANCELLED AND THE MEETING WILL NOT BE HELD.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Colton, Resolution No. 73-104 carried unanimously.

Complete text of Resolution No. 73-104 will be found in Resolution Book No. 7 at page 105.

SALE OF PARCEL 8-B - CIVIC REDEVELOPMENT PROJECT N. C. R-13 TO BEVERLY-GRANT, INC.

5. Consideration was given to the approval for the sale of Parcel 8-B in the Civic Redevelopment Project N. C. R-13 to Beverly-Grant, Inc.

Mr. Ray Wheeling, Executive Director of the Asheville Housing Authority, told Council that Beverly-Grant, Inc. had bid $62,300.00 for a two acre tract south of the new Southern Bell building, in the Civic Redevelopment Project N. C. R-13. He said Beverly-Grant proposed to build a Multi-Tenant Office Park on this land, for an estimated cost of $500,500, consisting of 27,264 total gross space.

Councilman Colton moved to approve the sale of Parcel 8-B in the Civic Redevelopment Project N. C. R-13 to Beverly-Grant, Inc. for the amount of $62,300.00. This motion was seconded by Councilman Hoyle and carried unanimously.

RESOLUTION NO. 73-105 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE KRANER COMPANY CONCERNING WATER MAINS EXTENDING ALONG ROADS AND EASEMENTS IN THE TURTLE CREEK DEVELOPMENT TO SERVE PHASE I OF SAID DEVELOPMENT, LIMESTONE TOWNSHIP, BUNCOMBE COUNTY

6. Consideration was given to a resolution authorizing the Mayor to enter into agreement with the Kraner Company concerning water mains extending along roads and easements in the Turtle Creek Development to serve Phase I of said development, Limestone Township, Buncombe County.

The City Manager read the resolution and advised that he had received a memorandum from R. R. Buirgy, Water Engineer, recommending the approval of the agreement.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 73-105 carried unanimously.

Complete text of Resolution No. 73-105 will be found in Resolution Book No. 7 at page 106.

RESOLUTION NO. 73-106 - RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE SECRETARY OF HEALTH, EDUCATION AND WELFARE TO OBTAIN CERTAIN SURPLUS REAL PROPERTY OWNED BY THE UNITED STATES. (Oteen V A Hospital water system)

7. Consideration was given to a resolution authorizing the Mayor to submit an application to the Secretary of Health, Education and Welfare to obtain certain surplus real property owned by the United States. (Oteen V A Hospital water system)

The City Manager read the resolution and stated that the real property requested in this application is as follows:

(1) 400,000 gallon water storage tank on a concrete pad at ground level with two (2) valve houses

(2) Approximately 6,022 linear feet of 12", 8", and 6" water pipe lines with necessary connections.

Thursday - September 27, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilman Ralph D. Morris, Jr., J. W. Hoyle, Henry E. Colton, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr.

Absent: Councilman Ruben J. Dailey and Assistant City Manager/City Clerk William F. Wolcott, Jr.

1. Approval of minutes of September 13, 1973 meeting.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall, the minutes of the September 13, 1973 meeting were approved as submitted.

ORDINANCE NO. 784 - AN ORDINANCE ESTABLISHING INSPECTION FEES UNDER THE NORTH CAROLINA STATE BUILDING CODE, VOLUME II, PLUMBING, 1968 EDITION, TOGETHER WITH 1973 EDITION ACCUMULATIVE SUPPLEMENT ADOPTED BY ORDINANCE NO. 779 AS SECTION 20-1 (a) OF THE CODE OF ORDINANCES ON 2 AUGUST 1973

2. Consideration was given to the second reading of Ordinance No. 784, an ordinance establishing inspection fees under the North Carolina State Building Code, Volume II, Plumbing, 1968 Edition, together with 1973 Edition accumulative supplement adopted by Ordinance No. 779 as Section 20-1 (a) of the Code of Ordinances on 2 August, 1973.

On a roll call vote of 6 - 0, Ordinance No. 784 passed on its second reading.

ORDINANCE NO. 785 - AN ORDINANCE TO PROHIBIT THE PARKING OF TRUCKS AND OTHER LARGE VEHICLES IN AREAS ZONED RESIDENTIAL

3. Consideration was given to the second reading of Ordinance No. 785, an ordinance to prohibit the parking of trucks and other large vehicles in areas zoned residential.

On a roll call vote of 6 - 0, Ordinance No. 785 passed on its second reading.

RESOLUTION NO. 73-104 - RESOLUTION APPROVING AND PROVIDING FOR THE EXECUTION OF A PROPOSED CONTRACT FOR NEIGHBORHOOD FACILITIES PROJECT UNDER SECTION 703 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1965, NUMBERED CONTRACT NO. N. C. N-31 (G), BY AND BETWEEN CITY OF ASHEVILLE AND THE UNITED STATES OF AMERICA

4. Consideration was given to a resolution approving and providing for the execution of a proposed contract for Neighborhood Facilities Project under Section 703 of the Housing and Urban Development Act of 1965, numbered Contract No. N. C. N-31 (G), by and between the City of Asheville and the United States of America.

The City Manager read the resolution and explained that this resolution was relative to the City purchasing the Livingston Street School property.

Logan Delany, Executive Director of the Model Cities Agency, explained that the total grant was for $610,000 : ($160,000 - Model Cities funds, $300,000 - HUD Neighborhood Facilities matching funds, and $150,000 Asheville Housing Authority)

BIDS - TENNIS COURTS AT MONTFORD PARK AND MALVERN HILLS PARK

10. Consideration was given to bids received September 19, 1973 for all labor, materials, and to perform all work necessary to construct two tennis courts at Montford Park and two tennis courts at Malvern Hills Park.

The City Manager read a memorandum from J. R. McMahan, Purchasing Agent, and Ray Kisiah, Director of Parks and Recreation Department recommending the acceptance of the one bid received from Van Sumner, Inc. in the amount of $38,068.00.

Councilman Colton moved to accept the recommendation of the Purchasing Agent, awarding the bid to Van Sumner, Inc. in the amount of $38,068.00. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

BIDS - TWO FORK LIFT TRUCKS AND EIGHT TURNSTILES FOR CIVIC CENTER

11. Consideration was given to bids received September 20, 1973 for two (2) fork lift trucks and accessory and eight (8) turnstiles for the Civic Center.

The City Manager read a memorandum from J. R. McMahan, Purchasing Agent and James Evans, Manager of the Civic Center, recommending the second low bid of Carolina Tractor and Equipment Company for the two fork lift trucks in the amount of $15,460.00 plus freight of $160.00, as the low bidder, A. E. Finley and Associates did not meet specifications and also recommended the second low bid of Perey Mfg. Co. Inc. for the eight turnstiles in the amount of $4,420.00.

Councilman Morris moved to accept the recommendation of the Purchasing Agent in awarding the bids to Carolina Tractor and Equipment Company for the two (2) fork lift trucks in the amount of $15,460 plus freight of $160.00 and Perey Mfg. Company, Inc. for the eight turnstiles in the amount of $4,420. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Bid Summary

Item # 1 - Two (2) Fork Lift trucks and accessories

A. E. Finley and Associates	$ 15,540.00
Carolina Tractor and Equipment Company	15,460.00 plus $160.00 freight

Item # 2 Eight (8) Turnstiles

Perey Mfg. Co. Inc.	$ 4,420.00
Standard Theatre Supply Company	4,350.00

BIDS - TRUCKS, STREET FLUSHERS, VACUUM CATCH BASIN CLEANER-FLUSHER, AND PAVER

12. Consideration was given to bids received September 17, 1973 for six (6) trucks, two (2) street flushers, one (1) vacuum catch basin cleaner-flusher, and one (1) paver for the Street Department.

(3) A tract of land containing 0.94 acres on which the above mentioned 400,000 gallon water storage tank is located.

(4) Easements for the above mentioned 6,022 linear feet of water pipe lines and appurtenances.

Mr. Ward said the application was made due to these are the only utility facilities involved in the requested acquisition of land and structures and that the City of Asheville presently supplies the water for these facilities in cooperation with the Veterans Administration Hospital, and that the City of Asheville will continue to supply the utilities and will provide the maintenance for them when acquired by the City.

Mr. Buirgy, Water Engineer, told Council that this reservoir now serves only the hospital but could be used for other areas, particularly Highway 70.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, Resolution No. 73-106 carried unanimously.

Complete text of Resolution No. 73-106 will be found in Resolution Book No. 7 at page 107.

HILTON INN - SIGN PERMIT

8. Consideration was given to the approval of an application for a sign permit, which will be within 200 ft. of the Crosstown Expressway, located on Patton Avenue for the Hilton Inn.

J. E. Johnson, Building Inspector, reported to Council that the application for the sign permit showed the sign to be within 200 ft. of the Crosstown Expressway which would require approval from Council under Ordinance No. 644.

Wayne Kinser, with Pioneer Land Developers, told Council the sign is to be located at the entrance of the new Hilton Inn and east of Jackson's Trading Post.

Councilman Morris moved to approve the application for the sign permit for the new Hilton Inn, located on Patton Avenue. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

BIDS - ROTARY MOWER FOR PARKS AND RECREATION DEPARTMENT

9. Consideration was given to bids received September 12, 1973 for one (1) telescopic side arm rotary mower completed and ready to operate on a tractor for the Parks and Recreation Department.

The City Manager read a memorandum from J. R. McMahan, Purchasing Agent, and Ray Kisiah, Director of Parks and Recreation Department, recommending the low bid of Knoxville Ford Tractor Sales Inc. in the amount of $10,666.00.

Councilman Hoyle moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Knoxville Ford Tractor Sales, Inc. in the amount of $10,666.00. This motion was seconded by Councilman Morris and carried unanimously.

Bid Summary

Farm Equipment Company	$11,755.00	with 17 ft. reach
Knoxville Ford Tractor Sales, Inc.	10,666.00	with 31 ft. reach
Porter Brothers	11,341.54	

Item # 5 Two (2) 1800 Gallon Street Flusher

Mitchel Dist. Co.	$ 15,493.56
A. E. Finley & Associates	14,032.00

Item # 6 One (1) Tilt Cab and Chassis Truck

Matthews Motors, Inc.	$ 11,692.58
Asheville International Truck Sales	11,752.80
Carolina Truck & Body	10,142.83

Item # 7 - One (1) Vacuum Street and Catch Basin Cleaner

N. C. Equipment Company	$ 33,928.20

Item # 8 - One (1) Rubber Tired Paver

Arrow Equipment Company	$ 21,362.20
Interstate Equipment Company	31,930.00
A. E. Finley & Associates	23,772.40

REPORT - MODEL CITIES SANITATION PROJECT

13. The City Manager reported to Council that the contract on the Model Cities Sanitation Project is to terminate on September 30, 1973. However there are approximately twelve Model Neighborhood residents employed under this program and if the term of their employment would end October 2, 1973 and the contract would have to be extended through that date. The total cost of the project would be approximately $35,980.73 through October 2 leaving approximately $10,788.27 of surplus funds.

Mr. Ward recommended that Council authorize the extension of the project through October 2, 1973 and to offer all the employees working on the project an opportunity to be employed in the Sanitation Department, the effective date of their transfer to be October 3, 1973. He also recommended that any surplus funds be transferred to the Community Development Project for the Third Action Year.

Councilman Morris moved to accept the recommendation of the City Manager by terminating the Model Cities Sanitation Project on October 2, 1973 and to transfer any surplus funds into the Community Development Project fund. This motion was seconded by Councilman Hoyle and carried unanimously.

PETITION - RESIDENTS OF SALOLA AND CARRIER STREETS

The City Manager presented a petition from residents of Salola Street and Carrier Street requesting a four-way stop with flashing red light at the intersection of Salola and Carrier Streets and that a regular patrol by police both day and night in order to reduce the speeding along Salola Street. The City Manager reported that he had requested that an investigation be made by the Traffic Engineer to determine if there was a need for a four way stop and flasher installation. This investigation revealed that traffic volumes and accident experience did not warrant such an installation. However, faded stop signs were replaced and shrubs and trees trimmed to provide adequate sight distance at the intersection.

The City Manager read a memorandum from J. R. McMahan, Purchasing Agent, who recommended the low bid in all items except Item #4 and #6, as the low bidder in these items, Carolina Truck and Body, did not meet specifications and did not have the five percent (5%) bid bond. Therefore, the Purchasing Agent recommended the second low bidders of Asheville International Truck Sales for Item #4 and Matthews Motors for Item #6. Philip Cocke, Director of Public Works and W. A. Bostic, Superintendent of Streets concurred in these recommendations.

The City Manager advised that the total amount was within the amount budgeted for this equipment.

Councilman Ochsenreiter moved to accept the recommendation of the Purchasing Agent and award the bids as follows:

Item # 1	Matthews Motors	$ 2,932.50
Item # 2	Asheville International Truck Sales	6,560.75
Item # 3	Asheville International Truck Sales	7,383.61
Item # 4	Asheville International Truck Sales	22,579.78
Item # 5	A. E. Finley and Associates	14,032.00
Item # 6	Matthews Motors	11,692.58
Item # 7	N. C. Equipment Company	33,928.20
Item # 8	Arrow Equipment Company	21,362.20
	Total	$ 120,471.62

This motion was seconded by Councilman Morris and carried unanimously.

Bid Summary

Item # 1 One (1) Pick-up Truck

Matthews Motors, Inc.	$ 2,932.50
Asheville International Truck Sales	3,016.73
Apple Tree Chevrolet	3,180.71
Carolina Truck & Body	2,946.47

Item # 2 One (1) Four Yard Dump Truck

Matthews Motors, Inc.	$ 7,012.22
Asheville International Truck Sales	6,560.75
Apple Tree Chevrolet	7,847.27
Carolina Truck & Body	6,676.15

Item # 3 Five Yard Dump Truck

Matthews Motors, Inc.	$ 7,714.83
Asheville International Truck Sales	7,383.61
Apple Tree Chevrolet	8,168.11
Carolina Truck & Body	8,144.31

Item # 4 Two (2) Tilt Cab and Chassis Truck

Matthews Motors, Inc.	$ 22,842.26
Asheville International Truck Sales	22,579.78
Carolina Truck & Body	19,252.94

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilman Ralph D. Morris, Jr., J. W. Hoyle, Eugene C. Ochsenreiter, Jr., Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilmen Ruben J. Dailey and Henry E. Colton

1. Approval of minutes of September 27, 1973 meeting.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, the minutes of the September 27, 1973 meeting were approved as submitted.

ORDINANCE NO. 784 - AN ORDINANCE ESTABLISHING INSPECTION FEES UNDER THE NORTH CAROLINA STATE BUILDING CODE, VOLUME II, PLUMBING, 1968 EDITION, TOGETHER WITH 1973 EDITION ACCUMULATIVE SUPPLEMENT ADOPTED BY ORDINANCE NO. 779 AS SECTION 20-1 (a) OF THE CODE OF ORDINANCES ON 2 AUGUST 1973

2. Consideration was given to the third and final reading of Ordinance No. 784, an ordinance establishing inspection fees under the North Carolina State Building Code, Volume II, Plumbing, 1968 Edition, together with 1973 Edition accumulative supplement adopted by Ordinance No. 779 as Section 20-1 (a) of the Code of Ordinances on 2 August 1973.

On a roll call vote of 5 - 0, Ordinance No. 784 passed on the third and final reading.

Complete text of Ordinance No. 784 will be found in Ordinance Book No. 6 at page 39.

ORDINANCE NO. 785 - AN ORDINANCE TO PROHIBIT THE PARKING OF TRUCKS AND OTHER LARGE VEHICLES IN AREAS ZONED RESIDENTIAL

3. Consideration was given to the third and final reading of Ordinance No. 785, an ordinance to prohibit the parking of trucks and other large vehicles in areas zoned residential.

On a roll call vote of 5 - 0, Ordinance No. 785 passed on the third and final reading.

Complete text of Ordinance No. 785 will be found in Ordinance Book No. 6 at page 41.

BIDS - THREE (3) INDUSTRIAL TYPE TRACTORS AND ONE (1) COMPACTOR

4. Consideration was given to bids received September 27, 1973 for three (3) industrial type tractors with loader and back hoe for the Water Department and one (1) compactor for use on the Sanitary Landfill.

ABSTRACT OF VOTES - PRIMARY ELECTION FOR CITY COUNCILMEN - SEPTEMBER 25, 1973

The City Manager presented Council with a certified copy of abstract of votes cast at the primary election for City Councilmen on September 25, 1973 which was received from the Board of Elections Office.

Mayor Wood acknowledged that Council received the abstract of votes and requested that it be placed in the files of the City Clerk's office.

RESOLUTION NO. 73-107 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE ACROSS U. S. 70 AND 74 AT WHITE PINE DRIVE INTERSECTION TO SERVE PEARLMANS FURNITURE STORE

Consideration was given to a resolution authorizing the Mayor to execute right of way encroachment agreement with the North Carolina State Board of Transportation for water line across U. S. 70 and 74 at White Pine Drive intersection to serve Pearlman Furniture Store.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, Resolution No. 73-107 passed unanimously.

Complete text of Resolution No. 73-107 will be found in Resolution Book 7 at page 108.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR A 6-INCH WATER LINE ALONG LOWER GRASSY BRANCH ROAD FROM U. S. HIGHWAY 70 NORTH TO THE ENTRANCE ROAD TO BOTANY WOODS SUBDIVISION.

Consideration was given to a resolution authorizing the Mayor to execute the right of way encroachment agreement with the North Carolina State Board of Transportation for a 6-inch water line along Lower Grassy Branch Road from U. S. Highway 70 north to the entrance road to Botany Woods Subdivision.

The City Manager read the resolution.

In discussing the resolution Council questioned the sufficiency of the proposed 6" line to serve the area. It was felt that an 8" line might be needed.

Mayor Wood instructed that the Water Engineer check with the Planning and Zoning Commission relative to proposed zoning and land use in this area and to report this information back to Council at next weeks meeting.

PROCLAMATION - COUNTRY MUSIC MONTH - OCTOBER

Mayor Wood proclaimed the month of October as Country Music Month.

MRS. ROY ROGERS - STREETS IN EAST RIVERSIDE URBAN RENEWAL

Mrs. Roy Rogers asked when the streets were going to be repaired in the East Riverside Urban Renewal area.

Councilman Ochsenreiter replied that since the amendment to the East Riverside plan had just been approved, a meeting to schedule work to be completed would be held sometime in the near future.

Richard A. Wood
MAYOR

William D. Malcolm
CITY CLERK

RESOLUTION NO. 73-109 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH EDWARD W. AND LOIS A. STOCK CONCERNING A WATER LINE EXTENSION IN "STOCKWOODS" DEVELOPMENT, BILTMORE TOWNSHIP

6. Consideration was given to a resolution authorizing the Mayor to enter into agreement with Edward W. and Lois A. Stock concerning a water line extension in "Stockwoods" Development, Biltmore Township.

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Vice-Mayor Marshall, Resolution No. 73-109 carried unanimously.

Complete text of Resolution No. 73-109 will be found in Resolution Book No. 7 at page 110.

RESOLUTION NO. 73-110 - RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT SEWER EASEMENT FROM ASHEVILLE JAYCEE HOUSING, INC.

7. Consideration was given to a resolution authorizing the Mayor to accept sewer easement from Asheville Jaycee Housing, Inc.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 73-110 carried unanimously.

Complete text of Resolution No. 73-110 will be found in Resolution Book No. 7 at page 111.

CITY MANAGER'S REPORT ON JUNKED CARS

The City Manager reported that during the month of September, 1973, 82 junked cars were disposed of by the Public Safety Department. He said this made a total of 820 for the past 12 months ending August 31, 1973. He said that the back log of cars to be removed was down to about 30 at this time and he asked the public to advise the Public Safety Department if they knew of any junked cars that might have been overlooked.

FLOOD INSURANCE EXPLAINED BY OFFICIAL OF HUD

The City Manager introduced Mr. R. E. Mevers, a flood insurance specialist from the Department of Housing and Urban Development, who outlined to Council steps that would have to be taken in order for the community to qualify for Federal flood insurance. He furnished each Councilman with a packet of materials outlining the program. Mayor Wood instructed the City Clerk to transmit copies to the Planning Department.

The City Manager read memorandum's from the Purchasing Agent and the Water Maintenance Superintendent who recommended accepting the low bid for Item #1 in the amount of $17,911.70 submitted by Blue Ridge Tractor and Equipment Company, for (2) tractors with loaders and 10 ft. hoes. Both recommended the second low bid for item #2, in the amount of $11,057.05, submitted by Farm Equipment Company, as the equipment bid by the low bidder, Blue Ridge Tractor and Equipment Company, did not meet the specifications.

The third item, a compactor for the sanitary landfill, could not be considered as at the time of the bid opening only one bid was received. The Purchasing Agent advised that bids for this item would be readvertised.

Councilman Morris moved that on Item # 1 (two (2) tractors with 10 ft. back hoes) the contract be let to the low bidder, Blue Ridge Tractor and Equipment Company in the amount of $17,911.70. This motion was seconded by Counciman Ochsenreiter and was carried unanimously.

Councilman Ochsenreiter then moved that the contract for Item # 2 (one (1) tractor with 15 ft. hoe) be let to the second low bidder, Farm Equipment Company, in the amount of $11,057.05. This motion was seconded by Councilman Morris and was carried unanimously.

Bid Summary

Bidder	Item #1 (2) Tractors with 10 ft. hoe	Item #2 (1) Tractor with 15ft. hoe
Farm Equipment Co.	$ 18,498.80	$ 11,057.05
Arden Equipment Co.	20,291.68	12,220.00
Western Carolina Equipment Co.	20,436.84	12,208.38
Blue Ridge Tractor Company	17,911.70	9,264.85
Knoxville Ford Tractor Sales Co.	18,546.70	11,297.00

RESOLUTION NO. 73-108 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE OPPORTUNITY CORPORATION OF MADISON-BUNCOMBE COUNTIES FOR THE USE OF THE PROPERTY AND FACILITIES FORMERLY KNOWN AS THE LIVINGSTON STREET SCHOOL PROPERTY

5. Consideration was given to a resolution authorizing the Mayor to execute a lease agreement between the City of Asheville and the Opportunity Corporation of Madison-Buncombe Counties for the use of the property and facilities formerly known as the Livingston Street School property.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 73-108 was unanimously adopted.

Complete text of Resolution No. 73-108 will be found in Resolution Book No. 7 at page 109 .

PROCLAMATIONS - EMPLOY THE HANDICAPPED WEEK - WEEK OF OCTOBER 7, 1973
FIRE PREVENTION WEEK - OCTOBER 8th THRU 14th
NURSES WEEK - OCTOBER 8th THRU 15th

Mayor Wood proclaimed the week of October 7, 1973 as Employ the Handicapped Week, October 8th thru 14th as Fire Prevention Week, and October 8th thru 15th as Nurses Week.

PETITION TO CLOSE "OFFICE LOUNGE"

Mrs. L. A. Trumbo of 27 Maney Avenue, presented a petition on behalf of the residents of Maney Avenue and the vicinity demanding that the City Council close a nightclub on Merrimon Avenue known as the "Office Lounge." She cited the noise, damage to property, cursing, drug abuse, littering and illegal parking as the reasons for this request. She stated that it was her opinion that high level pay offs permitted the business to continue to operate.

Assistant Chief Joe Trulove reported that the City had made a formal request to the State A B C Board for a hearing on revoking the beer license for this establishment. He said that these hearings were usually held in Raleigh, but that he had made a special request to have the meeting held in Asheville, so that local residents could attend and let there complaints be heard.

Mayor Wood advised Mrs. Trumbo that he had just talked to Mr. Wade Hall, the owner of "The Office", who informed him that he had closed the business and had no plans for reopening it. Mayor Wood further stated that the City would nevertheless proceed with hearings on revoking the beer license.

ADDITIONAL STREET LIGHTS

Councilman Hoyle thanked the City Manager for adding 59 more new street lights in the downtown area. He said they were especially effective near the parking lots on Rankin and Lexington Avenues.

Adjournment.

Richard J. A. Wood, Jr.
MAYOR

William E. Holcutt
CITY CLERK

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilman Ralph D. Morris, Jr., J. W. Hoyle, Eugene C. Ochsenreiter, Jr., Ruben J. Dailey, Henry E. Colton, Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of October 4, 1973 meeting.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, the minutes of the October 4, 1973 meeting were approved as submitted.

PUBLIC HEARING - REZONING OF LOTS 28 AND 28-1/2, WARD 9, SHEET 6, ON BEAVERDAM ROAD

2. A public hearing was held to consider the rezoning request of George Peterson to rezone Lots 28 and 28-1/2, Ward 9, Sheet 6 located on Beaverdam Road, from RA-6 Residential to Neighborhood Trading Area.

Mayor Wood, after opening the public hearing at 3:04 o'clock p. m., explained that the public hearing was being held at the specific request of Mr. Peterson. He then called on the City Manager to read the public advertisement and the affidavit of publication.

Mr. Kmecza, Planning and Zoning Director, when requested to give the recommendation of the Planning and Zoning Commission reported that the request had been denied for the following reasons: (1) That the additional traffic that would be created due to the commercial development of these lots would be detrimental to the surrounding residential area,(2) the development would further encroach on the adjacent residential property without benefit of a buffer zone,(3) to develop these lots commercially would open up Beaverdam Road to commercial development.

Mr. Peterson, speaking in his own behalf, described the property either owned by him or over which he held options to purchase. He stated that a portion of his property now included in the Neighborhood Trading area zone was not of sufficient area on which to construct a building and to provide the necessary parking requirements. He said that he would not permit any construction on this property that would be detrimental to the adjoining residential neighborhood. However, he also stated that if he was offered a favorable price he would sell.

Mr. Cleo Bishop, owner of the property in question over which he has given Mr. Peterson an option to purchase, spoke in favor of the rezoning.

No one in attendance spoke in opposition to the rezoning.

Council questioned Mr. Kmecza at length as to the permitted uses in a Neighborhood Trading Area. Mr. Kmecza told Council that he had not studied it carefully but that a variance might be possible that would permit a building to be constructed on the property under the present zoning and still meet the parking requirements. He said this would prevent pushing the zoning back into the residential area.

October 11, 1973

Mayor Richard A. Wood, City Manager Ernest Ward and Finance Director Larry Fisher will be attending the annual meeting of the North Carolina League of Municipalities in Pinehurst beginning on Thursday, October 11, 1973. In the absence of pressing matters for consideration by City Council, there will be no meeting of the City Council this week.

The City Manager read a memorandum from the Purchasing Agent advising that four bids were received and that the International Salt Company and Morton Salt Company had submitted identical bids of $16.34 per ton, for a total of $5,719.00. After reviewing bids with Philip Cocke, Director of Public Works, it was recommended that since the International Salt Company had furnished this material for the last three years, giving excellent service, that they be awarded the contract.

Councilman Morris moved that the International Salt Company be awarded the contract in the amount of $5,719.00. Councilman Hoyle seconded this motion and it carried unanimously.

Bid Summary

Bidder	Bid
Morton Salt Company	$16.34 per ton - $5,719.00
Diamond Crystal Salt Co.	$16.80 per ton - $5,880.00
International Salt Company	$16.34 per ton - $5,719.00
Cargill Inc.	$23.48 per ton - $8,219.40

BIDS - GALVANIZED METAL GUARD RAILS FOR STREET DEPARTMENT

6. Consideration was given to bids received October 15, 1973 for 1,650' galvanized metal guard rails, 147 galvanized posts, and 22 terminal ends for the Street Department.

The City Manager read the recommendation of the Purchasing Agent who recommended that the low bid for Item 1, 2, and 3 in the amount of $3,987.71 be awarded to Whitmyer Brothers Inc. He said that Mr. Cocke, Director of Public Works, concurred in this recommendation.

Councilman Ochsenreiter moved that Whitmyer Brothers Inc. be awarded the contract in the amount of $3,987.71. This motion was seconded by Councilman Colton and it carried unanimously.

Bid Summary

Bidder	Item # 1 1,650' rails	Item # 2 147 post	Item # 3 22 terminal ends
Allison Fence Co.	$3,144.08	$1,786.63	$ 135.96
Collin-Wyatt and Sons	3,144.07	1,816.92	113.30
Whitmyer Brothers Inc.	2,430.28	1,461.11	96.31
Silverman Company	3,025.11	1,995.58	124.63

RESOLUTION NO. 73-112 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE EXTENDING ALONG SR 2403 FROM U. S. HIGHWAY 70 TO SR 2402

7. Consideration was given to a resolution authorizing the Mayor to execute right of way encroachment agreement with the North Carolina State Board of Transportation for water line extending along SR 2403 from U. S. Highway 70 to SR 2402.

The City Manager read the resolution.

Councilman Morris commented, that it appeared to him, that if a small triangle between lots 28 and 29-3/4 was not included in the package it would be impossible to build one building on the property. He noted that this triangle was not included in the advertisement and therefore Council could not consider it at this hearing. Mr. Peterson produced his original request in which the triangular piece of property in question was included.

There being no further questions, Mayor Wood closed the public hearing at 3:30 o'clock p. m. He then asked the City Manager to present a proposed ordinance which would amend the Zoning Ordinance.

Councilman Dailey then moved for the adoption of the ordinance, but not receiving a second, Mayor Wood ruled that this would conclude the matter and that no further action would be taken.

BIDS - ASHEVILLE RECREATION PARK BATH HOUSE

3. Consideration was given to bids received on September 19, 1973 for the construction of a bath house at the Asheville Recreation Park.

Ray Kisiah, Director of Parks and Recreation, reported to Council that the original low bids were considerably above the architects estimate but that with the elimination of certain items negotiations have been completed to reduce this cost. He said the original bid price of Southworth Construction Company, the general contractor, was $92,000 which was negotiated to $70,884.00. Other negotiated bids were, Electrical - Modern Services Company $6,598.00 and Plumbing - Ray Davis Company $17,770.00 for a total of $95,252.00. He said the Parks and Recreation Board had reviewed these figures and recommended to City Council that the final bids be accepted.

Mr. Kisiah reviewed in general the layout of the bath house. He said it was of basic design that would be very functional. When asked about the original budget for the project Mr. Kisiah said that only $55,000 had been budgeted for this project and that the difference would have to be made up by eliminating other proposed projects in the overall park improvement plan. He said he was sure this could be done without seriously effecting the overall plan.

RESOLUTION NO. 73-111 - RESOLUTION AUTHORIZING THE MAYOR OF ASHEVILLE TO EXECUTE THE GENERAL, PLUMBING AND ELECTRICAL CONTRACTS FOR THE CONSTRUCTION OF A BATHHOUSE AT ASHEVILLE RECREATION PARK

4. The City Manager advised Council that a resolution had been prepared authorizing the Mayor to execute contracts for the construction of the bath house. Mayor Wood instructed him to read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Colton, Resolution No. 73-111 was adopted.

Complete text of Resolution No. 73-111 will be found in Resolution Book No. 7 at page 112.

BIDS - ROCK SALT FOR SNOW AND ICE CONTROL.

5. Consideration was given to bids received October 10, 1973 for approximately 350 tons of rock salt for snow and ice control.

RESOLUTION NO. 73-116 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE ALONG SR 3431, LOWER HOMINY TOWNSHIP.

11. Consideration was given to a resolution authorizing the Mayor to execute right of way encroachment agreement with the North Carolina State Board of Transportation for water line along SR 3431, Lower Hominy Township.

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, Resolution No. 73-116 was unanimously adopted.

Complete text of Resolution No. 73-116 will be found in Resolution Book 7 at page 117.

RESOLUTION NO. 73-117 - RESOLUTION AUTHORIZING NOTICE OF INTENT TO LEASE SPACE AT THE ASHEVILLE AIRPORT TO THE UNITED STATES OF AMERICA

12. Consideration was given to a resolution authorizing notice of intent to lease space at the Asheville Airport to the United States of America, known as the FAA Sector Field Office.

The City Manager read the resolution which stipulated that City Council would consider the adoption of a resolution authorizing the execution of a lease with the United States of America for the FAA Sector Field Office at the Asheville Airport on November 1, 1973.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 73-117 was unanimously adopted.

Complete text of Resolution No. 73-117 will be found in Resolution Book 7 at page 118.

RESOLUTION NO. 73-118 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY AGREEMENT WITH SOUTHERN RAILWAY COMPANY FOR A SEWER PIPE LINE UNDER TRACKS OF THE COMPANY IN THE VICINITY OF JOHNSTON BOULEVARD CROSSING.

13. Consideration was given to a resolution authorizing the Mayor to execute right of way agreement with Southern Railway Company for a sewer pipe line under tracks of the Company in the vicinity of Johnston Boulevard Crossing.

The City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, Resolution No. 73-118 was unanimously adopted.

Complete text of Resolution No. 73-118 will be found in Resolution Book 7 at page 119.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 73-112 passed unanimously.

Complete text of Resolution No. 73-112 will be found in Resolution Book No. 7 at page 113.

RESOLUTION NO. 73-113 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH HIGHLAND FARMS INCORPORATED CONCERNING A WATER MAIN EXTENSION ALONG SR 2471, BLACK MOUNTAIN TOWNSHIP, BUNCOMBE COUNTY TO SERVE THE HIGHLAND FARMS RETIREMENT COMMUNITY.

8. Consideration was given to a resolution authorizing the Mayor to enter into agreement with Highland Farms Incorporated concerning a water main extension along SR 2471, Black Mountain Township, Buncombe County to serve the Highland Farms Retirement Community.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 73-113 was unanimously adopted.

Complete text of Resolution No. 73-113 will be found in Resolution Book No. 7 at page 114.

RESOLUTION NO. 73-114 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE ALONG SR 2471 1900 FEET TO SR 2470

9. Consideration was given to a resolution authorizing the Mayor to execute right of way encroachment agreement with the North Carolina State Board of Transportation for water line along SR 2471 1900 feet to SR 2470.

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, Resolution No. 73-114 was unanimously adopted.

Complete text of Resolution No. 73-114 will be found in Resolution Book No. 7 at page 115.

RESOLUTION NO. 73-115 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE CONNECTION ON U. S. 70 & 74 HIGHWAY

10. Consideration was given to a resolution authorizing the Mayor to execute right of way encroachment agreement with the North Carolina State Board of Transportation for water line connection on U. S. 70 and 74 Highway.

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, Resolution No. 73-115 was unanimously adopted.

Complete text of Resolution No. 73-115 will be found in Resolution Book No. 7 at page 116.

Thursday - October 25, 1973 - 3:00 o'clock

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Eugene C. Ochsenreiter, Jr., Henry E. Colton, Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Ruben J. Dailey

1. Approval of minutes of October 18, 1973 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, the minutes of the October 18, 1973 meeting were approved as submitted.

RESOLUTION NO. 73-120 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO MAKE CERTIFICATIONS ESTABLISHING THE FAIR MARKET VALUE OF PROPERTY TO BE ACQUIRED BY THE CITY OF ASHEVILLE FOR PARK PURPOSES

2. Consideration was given to a resolution authorizing the Director of Parks and Recreation to make certifications establishing the fair market value of property to be acquired by the City of Asheville for park purposes.

The City Manager read the resolution.

Ray Kisiah, Director of Parks and Recreation, explained that by authorizing him to make the proposed certifications the the Federal guidelines would be satisfied and would save Council the inconvenience of separate action on the purchase of each individual parcel.

Upon motion of Councilman Colton, seconded by Councilman Morris, Resolution No. 73-120 was unanimously adopted.

Complete text of Resolution No. 73-120 will be found in Resolution Book 7 at page 121.

APPLICATION FOR BILLIARD HALL -406½ SOUTHSIDE AVENUE - RICHARD BARNES

3. Consideration was given to an application for license to operate a billiard hall located at 406½ Southside Avenue, for Richard Barnes.

The City Manager presented an application for Richard Barnes for the right to operate a billiard hall at 406½ Southside Avenue. He said that the application was in order and it met all requirements.

In compliance with the City Code, Mayor Wood instructed the City Manager to refer the application to the Chief of Police, Chief of the Fire Department, Health Officer, and the Building Inspector for an investigation and report. Since the billiard hall is to be located in the East Riverside Urban Renewal area, he also ask for an investigation and report from the Asheville Housing Authority.

RESOLUTION NO. 73-119 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH A CONSULTING ENGINEER FOR IMPROVEMENTS TO THE ASHEVILLE WATER SYSTEM

14. Consideration was given to a resolution authorizing and directing the City Manager to enter into a contract with a consulting engineering firm for the design and the preparation of plans and specifications for constructing Filtration Facilities at North Fork Reservoir for the Asheville Water System.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, Resolution No. 73-119 was unanimously adopted.

Complete text of Resolution in - Resolution Book 7 at page 120

CITY MANAGER'S REPORT - THEFTS AND STREET LIGHTS

The City Manager advised City Council that in accordance with a report from Police Chief J. C. Hall that one of the biggest crime problems has been thefts from automobiles in the downtown area. Chief Hall reported that in July, 1973 there were twenty thefts reported: in August there were fifteen and in September, which was the first full month that the new sodium vapor street lights had been installed in the downtown area, the theft report had decreased to four. He said he was very pleased with these results.

PROCLAMATION - INTEGRITY DAYS

Mayor Wood advised that in conjunction with the Buncombe County Commissioners, he proclaimed October 21-22 as Integrity Days.

ALDOPHUS TREADWAY - 75 HICKORY STREET

Mr. and Mrs. Treadway requested to Council that their lot at 75 Hickory Street be rezoned from RA-10 to some other classification or that it be removed from the City Limits. They said that they had been living in a trailer on this lot for the last seven years and that it was not until recently that it was called to the attention of the City Inspectors that they were maintaining a trailer in violation of the zoning ordinance and that they had been ordered to remove the trailer.

Mayor Wood told the Treadways that it was a very difficult problem that could not be solved by changing the zoning as trailers are not allowed in the City Limits except in established trailer parks. He promised the Treadways that he would instruct the City Manager to consult with the Planning and Zoning Staff as to any solutions and he would have the City Manager to contact the Treadways.

MRS. ROY ROGERS

Mrs. Roy Rogers accompanied by several members of the 49'ers Club invited the Council to a breakfast on October 26 from 8 - 10:00 o'clock a. m.

Adjournment.

Richard A. Wood Jr.
MAYOR

William J. Moscatt
CITY CLERK

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall, Resolution No. 73-123 was unanimously adopted.

Complete text of Resolution No. 73-123 will be found in Resolution Book 7 at page 125.

NUTRITION PROGRAM FOR THE ELDERLY - REGION B

The City Manager presented for Council consideration a Nutrition Program for the Elderly, being sponsored by Region B. He explained that this plan would require the City of Asheville to provide $2,969.00 as a cash match contribution to provide meals for the elderly in the City of Asheville. He said it would be funded 90% Federal and 10% local, with the City of Asheville's share to be in equal payments on a quarterly basis beginning January 1, April 1, July 1, and October 1, 1974. He advised Council that this would require a motion authorizing the Mayor to sign a letter to Region B relative to approving this contribution and to include in this motion that the funds be made available from the Contingency Fund.

Councilman Colton moved that the Mayor be authorized to sign a letter to Region B approving the contribution of $2,969.00 and that the funds be made available from the Contingency Fund. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

In the discussion, Councilman Colton said that Ken Michalove had been working on this program in conjunction with the Buncombe County Council on Aging and that even though nothing can be done about the funding at this time, it is planned by Region B to make an effort to eliminate the City's participation in the future.

Mayor Wood noted this program would coincide with the termination of the Meals on Wheels Program sponsored by the Model Cities Agency and that where the Model Cities Program fed some 60 people this program would almost double the number of people served.

Adjournment.

Richard A. Wood, Jr.
MAYOR

William E. Holcombe
CITY CLERK

BIDS - COMPACTOR FOR SANITARY LANDFILL

4. The City Manager asked that the bids on the compactor for the landfill scheduled to be considered at this time be deferred until next week.

RESOLUTION NO. 73-121 - RESOLUTION AUTHORIZING THE EXECUTION OF A THIRD PARTY CONTRACT BETWEEN THE CITY OF ASHEVILLE AND THE ASHEVILLE-BUNCOMBE COMMUNITY CHRISTIAN MINISTRY, INC. FOR THE OPERATION OF THE EMERGENCY ASSISTANCE PROGRAM FOR THE "NEEDY" TARGET AREA RESIDENTS UNDER THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM

5. Consideration was given to a resolution authorizing the execution of a third party contract between the City of Asheville and the Asheville-Buncombe Community Christian Ministry, Inc. for the operation of the Emergency Assistance Program for the "Needy" Target Area residents under the Comprehensive City Demonstration Program.

The City Manager read the resolution.

Council was furnished with written information describing the program and Logan Delany, Executive Director of the Model Cities Agency, was present to answer any questions.

Mr. Delany advised Council that available funds was $20,000 and that 508 families were assisted by this program last year.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, Resolution No. 73-121 was unanimously adopted.

Complete text of Resolution No. 73-121 will be found in Resolution Book No. 7 at page 122.

RESOLUTION NO. 73-122 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE/PURCHASE AGREEMENT FOR THE LEASE/PURCHASE OF COMPUTER EQUIPMENT

6. Consideration was given to a resolution authorizing the City Manager to enter into a Lease/Purchase Agreement for the Lease/Purchase of computer equipment.

The City Manager read the resolution and explained to Council that the computer equipment being purchased was necessary to establish the in-house computerized billing for the Water Department and is to be paid for over a three year period.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 73-112 was unanimously adopted.

Complete text of Resolution No. 73-122 will be found in Resolution Book No. 7 at page 124.

RESOLUTION NO. 73-123 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE ALONG VIEW STREET, HAZEL TOWNSHIP.

7. Consideration was given to a resolution authorizing the Mayor to execute right of way encroachment agreement with the North Carolina State Board of Transportation for water line along View Street, Hazel Township.

The City Manager read the resolution.

SPECIAL PROCLAMATION - NOVEMBER 2, 1973 - HOMECOMING DAY FOR ALUMNI OF ASHEVILLE HIGH SCHOOL, SOUTH FRENCH BROAD SCHOOL, LEE EDWARDS AND STEPHENS LEE HIGH SCHOOL

Mayor Wood interrupted the regular agenda to issue a special proclamation. He proclaimed November 2, 1973 Homecoming Day for alumni of Asheville High School, South French Broad School, Lee Edwards and Stephens Lee High School. This proclamation was unanimously adopted by members of Council.

Mrs. Sonya Friedrich introduced school cheerleaders and members of the student body in attendance.

BIDS - POLICE TYPE VEHICLES AND FOUR DOOR SEDANS

4. Consideration was given to bids received October 26, 1973 for twenty (20) police type vehicles and six (6) four door sedans.

The City Manager read the recommendation of the Purchasing Agent who recommended the low bid for all items.

The City Manager explained to Council that the cost of these items was not entirely covered in the budget and explained in detail the amount over or short for each item. He said that in order to purchase these items appropriations would have to be made from the Contingency Fund which would require an amendment to the budget ordinance. He said he was prepared to present this ordinance if Council approved the purchase of the vehicles.

Councilman Morris moved that the low bid of Items 1, 2, 4, 5, 6, and 7 be awarded to Dorato Motors, Inc. in the amount of $78,789.00 and that Item #3 be awarded to Courtesy Chrysler-Plymouth in the amount of $3,330.00. Councilman Dailey seconded this motion and it carried unanimously.

Bid Summary

Twenty Police Type Vehicles and Six Four Door Sedans

Bidder	Item #1	Item #2	Item #3	Item #4	Item #5	Item #6	Item #7
Courtesy Chrysler-Plymouth	69,055	3,610	3,330	3,240	3,355	3,285	3,335
Dorato Motors	63,892	3,189	3,347	3,198	3,332	2,539	2,639
Edd Orr Motors	No Bid	3,908	3,508	3,378	3,528	3,558	3,600

ORDINANCE NO. 786 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1973-73

5. Consideration was given to an ordinance amending the operating budget of the City of Asheville for the fiscal year 1973-74.

The City Manager read the ordinance.

Councilman Morris moved for the adoption of Ordinance No. 786, which was seconded by Councilman Colton.

On a roll call vote of 6- 0, Ordinance No. 786 passed on its first reading.

Thursday - November 1, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Eugene C. Ochsenreiter, Jr., Ruben J. Dailey, Henry E. Colton, Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/ City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Calvin W. Marshall

1. Approval of minutes of October 25, 1973 meeting.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, the minutes of the October 25, 1973 meeting were approved as submitted.

RESOLUTION NO. 73-124 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE LEASE ON BEHALF OF THE CITY WITH THE UNITED STATES OF AMERICA RELATING TO SPACE COMPRISING THE ENTIRE BUILDING KNOWN AS THE FAA SECTOR FIELD OFFICE LOCATED AT THE ASHEVILLE MUNICIPAL AIRPORT

2. Consideration was given to a resolution authorizing the Mayor to execute lease on behalf of the City with the United States of America relating to space comprising the entire building known as the FAA Sector Field Office located at the Asheville Municipal Airport.

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Colton, Resolution No. 73-124 was unanimously adopted.

Complete text of Resolution No. 73-124 will be found in Resolution Book No. 7 at page 126.

BILLIARD HALL APPLICATION - RICHARD BARNES - 406½ SOUTHSIDE AVENUE

3. Consideration was given to an application for license to operate a billiard hall located at 406½ Southside Avenue for Richard Barnes.

The City Manager read the required recommendations from the Chief of Police, Chief of the Fire Department, Building Inspector, and a representative of the Buncombe County Health Department.

All reports indicated a great deal of work would be required before the building could be brought up to the minimum standards for a billiard hall. Located in the East Riverside Urban Renewal Area it was reported by the Asheville Housing Authority that this parcel has been filed under condemnation procedures. Mr. Barnes was not present to speak in support of his application.

Councilman Colton moved to deny approval of the application which was seconded by Councilman Ochsenreiter. The motion was carried unanimously and the application was denied.

FREE PARKING REQUEST BY DOWNTOWN MERCHANTS

Councilman Hoyle presented to Council a request from the Downtown Merchants for free parking from 10:00 a. m. to 9:00 p. m. on the following Mondays in November and December: November 5, 12, 19, 26 and December 3, 10, 17, and 24. He also requested that free parking be allowed all evenings from now until Christmas from 6:00 p. m. to 9:00 p. m. on the following streets:

South side of Patton Avenue between Coxe Avenue and Haywood Street; the north side of Patton between Lexington Avenue and Pack Square; the south side of College Street between Market Street and Haywood; the south side of Walnut Street between Haywood and Rankin Avenue; the east side of Haywood between the crosswalk at Bon Marche to the Civic Center; and on the west side of Haywood from a point near the Civic Center to the crosswalk by Winners store.

Councilman Hoyle stated that this request was being made as an effort to revitalize the downtown area as a shopping district.

Councilman Hoyle then moved that the request of the Downtown Merchants for free parking at the meters on Mondays from 10:00 a. m. to 9: 00 p. m. be approved. This motion was seconded by Councilman Dailey.

In the discussion Councilman Morris requested that the merchants compile figures on the daily sales in order to determine if the free parking produced beneficial results. Councilman Hoyle assured him that this would be done.

A vote was taken on Councilman Hoyle's motion and it carried unanimously.

Councilman Hoyle also moved that the merchants be given additional free parking from 6:00 p. m. to 9:00 p. m. on all evenings from now until Christmas. This motion was seconded by Councilman Ochsenreiter.

In the discussion Councilman Morris questioned the possibility of traffic congestion in some of the areas and asked Councilman Hoyle to accept an amendment to his motion which would allow the City Manager to use his judgment in correcting any safety hazards caused by this additional parking. Councilman Hoyle accepted this amendment and the motion carried unanimously.

Adjournment.

Richard D Woodard
MAYOR

William F McCarthy
CITY CLERK

Councilman Morris moved that Council suspend the rules and proceed with the second reading of Ordinance No. 786. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 786 passed on its second reading.

Councilman Morris again moved that Council suspend the rules and proceed with the third reading of Ordinance No. 786. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6 - 0, Ordinance No. 786 passed on its third and final reading.

Complete text of Ordinance No. 786 will be found in Ordinance Book No. 6 at page 43.

RESOLUTION NO. 73-125 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE ACROSS US 25A HIGHWAY FOR WATER METER CONNECTION, LIMESTONE TOWNSHIP

6. Consideration was given to a resolution authorizing Mayor to execute right of way encroachment agreement with the North Carolina State Board of Transportation for water line across U S 25A Highway for water meter connection, Limestone Township.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, Resolution No. 73-125 was unanimously adopted.

Complete text of Resolution No. 73-125 will be found in Resolution Book No. 7 at page 127.

RESOLUTION NO. 73-126 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH FRANK MINKER AND WIFE, EMMA MINKER, CONCERNING WATER LINE EXTENSION IN FRANEM ACRES AND FLETCHER HILLS SUBDIVISION, HOOPERS CREEK TOWNSHIP, HENDERSON COUNTY

7. Consideration was given to a resolution authorizing the Mayor to enter into agreement with Frank Minker and Wife, Emma Minker, concerning water line extension in Franem Acres and Fletcher Hills Subdivision, Hoopers Creek Township, Henderson County.

The City Manager read the resolution.

R. R. Buirgy, Water Department Engineer, explained that this was a continuation of a previous agreement but he did not recommend that future extensions be made in this subdivision.

Councilman Colton moved that if the proposed resolution is passed that the City Manager be instructed to communicate with Mr. Frank Minker and advise him that no future extensions will be approved for Franem Acres in Fletcher Hills Subdivision. This motion was seconded by Councilman Morris and carried unanimously.

Upon motion of Councilman Colton, seconded by Councilman Morris, Resolution No. 73-126 was unanimously adopted.

Complete text of Resolution No. 73-126 will be found in Resolution Book No. 7 at page 128.

can be relocated and/or abandoned, as is necessary for the construction of the State Highway Project 8.1901403, consisting of U S 70 and 74 relocation and including the Charlotte Street, Woodfin Street, Pine Street and Poplar Street interconnectors.

Mr. W. C. King, Director of Urban Renewal, assured Council that these recommendations would not create any problems.

Councilman Ochsenreiter moved for the approval of the final plat of the subdivision of Units 1 and 2 of the Civic Redevelopment Project N C R-13, subject to the conditions set out in the Water Department Engineer's recommendations. This motion was seconded by Councilman Colton and carried unanimously.

RESOLUTION NO. 73-128 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE EXTENSION ALONG SR 3447, UPPER HOMINY TOWNSHIP

5. Consideration was given to a resolution authorizing Mayor to execute right of way encroachment agreement with the North Carolina State Board of Transportation for water line extension along SR 3447, Upper Hominy Township.

The Assistant City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, Resolution No. 73-128 was unanimously adopted.

Complete text of Resolution No. 73-128 will be found in Resolution Book No. 7 at page 130.

APPLICATION FOR BILLIARD HALL - RUBY ALEXANDER - 1665 HAYWOOD ROAD

The Assistant City Manager presented an application for a license to operate a billiard hall at 1665 Haywood Road in the name of Ruby Alexander. He advised Council that approval had been given Mrs. Lucille Reid several months ago, to operate a billiard hall at this same location. The pending application representing a change in ownership.

Mayor Wood instructed the Assistant City Manager to comply with the Code and to request the Chief of Police, Chief of the Fire Department, Buncombe County Health Department, and the Building Inspector to investigate the application and to report back to Council at its next regular meeting.

PROCLAMATIONS - DRUG ABUSE PREVENTION WEEK - NOVEMBER 11-17, 1973
FARM CITY WEEK - NOVEMBER 16-22, 1973

In conjunction with the Buncombe County Commissioners Mayor Wood proclaimed the week of November 11-17, 1973 as Drug Abuse Prevention Week. He also proclaimed the week of November 16-22, 1973 as Farm City Week.

Adjournment.

Richard N. Wood
MAYOR

Marian D. Rogers
CITY CLERK

Thursday - November 8, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen J. W. Hoyle, Eugene C. Ochsenreiter, Jr., Ruben J. Dailey, Henry E. Colton, Corporation Counsel Robert J. Robinson, Assistant City Manager/ City Clerk William F. Wolcott, Jr.

Absent: Councilman Ralph D. Morris, Jr. and City Manager Ernest J. Ward, Jr.

1. Approval of minutes of November 1, 1973 meeting.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, the minutes of the November 1, 1973 meeting were approved as submitted.

RESOLUTION NO. 73-127- RESOLUTION AUTHORIZING CITY MANAGER TO ENTER INTO CONTRACT FOR ENGINEERING SERVICES WITH TALBERT, COX AND ASSOCIATES, INC. FOR IMPROVEMENTS TO THE ASHEVILLE AIRPORT

2. Consideration was given to a resolution authorizing City Manager to enter into contract for engineering services with Talbert, Cox and Associates, Inc. for improvements to the Asheville Airport.

The Assistant City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Vice-Mayor Marshall, Resolution No. 73-127 was unanimously adopted.

Complete text of Resolution No. 73-127 will be found in Resolution Book No. 7 at page 129.

ASHEVILLE MALL - AMENDMENT TO GROUP DEVELOPMENT

3. Consideration was given to a recommendation from the Planning and Zoning Commission relative to an amendment to the Asheville Mall group development.

Nick Kmecza, Executive Director of the Planning and Zoning Commission, advised Council that the only action necessary today was the scheduling of a public hearing for the matter.

Councilman Hoyle moved to schedule the public hearing for the amendment to the Asheville Mall group development for November 29, 1973. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

CIVIC REDEVELOPMENT PROJECT N C R-13 SUBDIVISION

4. Consideration was given to a recommendation from the Planning and Zoning Commission relative to the Civic Redevelopment Project N C R-13 subdivision.

Nick Kmecza, Executive Director of the Planning and Zoning Commission, advised that the Commission recommended approval of the final plat of the subdivision of Units 1 and 2 of the Civic Redevelopment Project N C R-13, subject to the Water Department Engineer's recommendation. These recommendations stipulated that the City be permitted to continue using the existing water and sewer mains for which easements have not been provided in this subdivision, until such time as these mains

Vice-Mayor Marshall moved for the adoption of the plan. This motion was seconded by Councilman Hoyle and carried unanimously.

Mayor Wood stated that the plan would be available for public review in the City Clerk's office.

RESOLUTION NO. 73-130 - RESOLUTION OF NOTICE THAT THE COUNCIL WILL CONSIDER EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE (CARIBOU ROAD - SOUTH BILTMORE AREA)

5. Consideration was given to a resolution of notice that the City will consider extension of the Corporate Limits of the City of Asheville into the Caribou Road - South Biltmore area.

Corporation Counsel Robert J. Robinson read the resolution after which December 20, 1973 at 7:30 o'clock p. m. at the South French Broad High School was inserted as the date, time and place for the public hearing.

Upon motion of Councilman Dailey, seconded by Councilman Ochsenreiter, Resolution No. 73-130 was unanimously adopted.

Complete text of Resolution No. 73-130 will be found in Resolution Book No. 7 at page 134.

APPROVAL OF PLAN FOR EXTENSION OF SERVICES INTO THE CARIBOU ROAD -SOUTH BILTMORE AREA

6. Consideration was given to the approval of the plan for the extension of services into the Caribou Road- South Biltmore Area proposed for annexation.

Mayor Wood announced that Council had previously been briefed on the plan which included the construction of a more centrally located fire station.

Councilman Morris moved for the adoption of the report which was seconded by Councilman Colton and carried unanimously.

Mayor Wood stated that the plan would be available for public review in the City Clerk's office.

RESOLUTION NO. 73-131 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE GENERAL CONTRACT, ELECTRICAL, PLUMBING, SEATING AND FOOD SERVICE EQUIPMENT CHANGE ORDERS FOR THE ARENA AND THE AUDITORIUM AND MUSEUM AREAS OF THE EXISTING AUDITORIUM

7. Consideration was given to a resolution authorizing the Mayor to execute General Contract, Electrical, Plumbing, Seating and Food Service Equipment Change Orders for the Arena and the Auditorium and Museum Areas of the existing Auditorium.

John Cort, of Baber, Cort, and Wood, consulting architects for the Civic Center basically reviewed the change orders being presented at this time. He said that even though there would be some minor change orders from time to time these should finalize the major changes for the completion of the arena, auditorium and arts museum.

Councilman Ochsenreiter moved for the adoption of the resolution which was seconded by Vice-Mayor Marshall and carried unanimously.

Complete text of Resolution No. 73-131 will be found in Resolution Book No. 7 at page 136.

Thursday - November 15, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Eugene C. Ochsenreiter, Jr., Ruben J. Dailey, Henry E. Colton, City Manager Ernest J. Ward, Jr., Corporation Counsel Robert J. Robinson, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of November 8, 1973 meeting.

Upon motion of Councilman Hoyle, seconded by Councilman Dailey, the minutes of the November 8, 1973 meeting were approved as submitted.

BILLIARD HALL APPLICATION - 1665 HAYWOOD ROAD - RUBY ALEXANDER

2. Consideration was given to the approval of an application by Ruby Alexander for a license to operate a billiard hall at 1665 Haywood Road.

The City Manager read the inspection reports from the Building Inspector, Fire Department, Police Department, and Buncombe County Health Department and all recommended approving the application for the license.

Councilman Colton moved that the application be approved and that the license be issued. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

RESOLUTION NO. 73-129 - RESOLUTION OF NOTICE THAT THE COUNCIL WILL CONSIDER EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE (EMMA AREA)

3. Consideration was given to a resolution of intent that the Council will consider extension of the Corporate Limits of the City of Asheville in the Emma Area.

At the request of the City Manager, the Corporation Counsel Robert J. Robinson, read the lengthy resolution.

Councilman Colton moved for the adoption of the resolution and suggested that since the hearing might attract a large crowd, which would no doubt over crowd the Council Chambers, the meeting be held at the South French Broad High School. He further suggested for the convenience of the public the meeting be held at 7:30 o'clock p. m. He requested that this be inserted in the resolution and made a part of his motion for adoption. After this was done and the date for the public hearing set for December 20, 1973, Councilman Morris seconded the motion and the resolution was unanimously adopted.

Complete text of Resolution No. 73-129 will be found in Resolution Book No. 7 at page 131.

APPROVAL OF PLAN FOR EXTENSION OF SERVICES INTO THE EMMA AREA

4. Consideration was given to the approval of the plan for the extension of services into the Emma area proposed for annexation.

For the benefit of those in attendance, Mayor Wood noted that Council had previously been briefed on the plan.

PETITION FOR PUBLIC HEARING ON THE DETERIORATED AND DILAPIDATED RESIDENCE AT 97 WEMBLEY ROAD

The City Manager presented a petition he received from residents in the vicinity of 97 Wembley Road who described a residence at this address which was in a deteriorated and dilapidated condition and unsafe for human habitation. They requested a public hearing under the provisions of the Housing Code to determine the repairing or demolition of said structure.

The City Manager said the Building Inspector had already started proceedings on this matter and that he would instruct him to continue the process as rapidly as possible.

FREE PLASTIC BAGS TO BE FURNISHED BY THE CITY FOR LEAF PICK UP

The City Manager advised Council that if there was no objection a plan had been worked out to furnish free plastic bags to the residents of the City for the purpose of giving faster leaf pick up. He said that these bags would be placed at all Fire Departments through out the City and could be picked up anytime, with a limit of six (6) bags to a resident.

Council advised him to proceed with the plan.

UNITED FUND DRIVE COMPLETED

The City Manager announced that the City employees had successfully completed the United Fund Drive. He said he was proud that they had again exceeded 100% of their goal with a total contribution of $17,058.34.

PETITION - INCREASE IN TAXICAB FARES IN THE CITY OF ASHEVILLE

Mr. Jack Cheesborough, Attorney for the Asheville Taxicab Association, presented a petition to increase the taxicab fare in the City of Asheville from 75¢ to 95¢ for the first 2/5 mile or fraction thereof. He cited the increase in gasoline, oil, and motor vehicles for the basis of this request.

Mayor Wood instructed the Corporation Counsel to prepare an ordinance for Council's consideration for the week of November 29th, 1973.

STATE CLEAN WATER BOND FUNDS

The City Manager advised Council that all the requirements have been met to qualify the City for $1,500,000 of State Clean Water Bond Funds. He said plans for Phase I were submitted to the State Board of Health on November 1, 1973 and plans and specifications for Phase II were now being prepared and will be submitted to the State Board of Health in June, 1974.

RESULTS OF NOVEMBER 6, 1973 ASHEVILLE CITY COUNCIL ELECTION

The City Clerk advised Council that he had received the certified results of the November 6, 1973 City Council election from the Buncombe County Board of Elections, which listed the following as newly elected Councilmen for the next term: Henry E. Colton, J. W. Hoyle, Calvin W. Marshall, Ralph D. Morris, Jr., Eugene C. Ochsenreiter, Jr., Richard A. Wood, Jr., and Bill B. Horton. He stated that these results would be placed on file in the office of the City Clerk.

RESOLUTION NO. 73-132 - RESOLUTION AUTHORIZING METROPOLITAN PLANNING BOARD OF ASHEVILLE AND BUNCOMBE COUNTY TO PASS THROUGH TO REGION B PLANNING AND ECONOMIC DEVELOPMENT COMMISSION $20,000.00 FEDERAL FUNDS ALLOCATED FOR REGIONAL PLANNING AND TO ENTER INTO A FORMAL CONTRACT WITH REGION B WITH RESPECT THERETO

8. Consideration was given to a resolution authorizing Metropolitan Planning Board of Asheville and Buncombe County to pass through to Region B Planning and Economic Development Commission $20,000.00 Federal Funds allocated for Regional Planning and to enter into a formal contract with Region B with respect thereto.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, Resolution No. 73-132 was unanimously adopted.

Complete text of Resolution No. 73-132 will be found in Resolution Book No. 7 at page 138.

RESOLUTION NO. 73-133 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE AMENDMENT TO LEASE AND AGREEMENT IN SETTLEMENT OF LITIGATION WITH INSURANCE INDUSTRIES, INC.

9. Consideration was given to a resolution authorizing Mayor to execute amendment to lease and agreement in settlement of litigation with Insurance Industries, Inc.

The City Manager read the resolution and Corporation Counsel Robert J. Robinson was called on to review the new lease.

Mr. Robinson advised Council that even though the terms of the amendment to the lease was not as favorable to the City as he would like, they did represent an increase in rental over the previous lease and required the leasee to break ground for the construction of a motel, with at least 100 rooms, before April 1, 1974 and to be completed before October 1, 1975. He also said that the lease would terminate all civil action against the City of Asheville in the Superior Court of Buncombe County.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 73-133 was unanimously adopted.

Complete text of Resolution No. 73-133 will be found in Resolution Book No. 7 at page 139.

DAMAGE CLAIM OF WANDA EDWARDS AND GREGORY EDWARDS

The City Manager reported that he had received a claim from Wanda Edwards and Gregory Edwards for injuries received in connection with an automobile accident which occurred October 17, 1973, when she was struck from behind by a truck operated by a city employee.

Mayor Wood instructed the City Manager to turn the claim over tothe Corporation Counsel.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Eugene C. Ochsenreiter, Jr., Ruben J. Dailey, Henry E. Colton, City Manager Ernest J. Ward, Jr., Corporation Counsel Robert J. Robinson, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of November 15, 1973 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, the minutes of the November 15, 1973 meeting were approved as submitted.

PUBLIC HEARING - AMENDMENT TO GROUP DEVELOPMENT - ASHEVILLE MALL

2. A public hearing was held as scheduled to consider amendment to the group development plan for the Asheville Mall.

Mayor Wood opened the public hearing at 3:02 o'clock p. m. and called on the City Manager to read the notice of publication and the affidavit confirming the dates of publication.

Nick Kmecza, Director of Planning, presented the Planning and Zoning Commission's report. They recommended that the plan be amended to include the construction of a 1,240 seat theatre subject to the following conditions:

1. Providing additional parking - at least 32 more spaces
2. Recommendation to the appropriate state and local agencies that a traffic light be installed at the easternmost access point on Highway 74 and that it be staged in proper sequence with the existing light at the main access to the Asheville Mall.
3. That the main sign or marquee of the theatre be so erected as to face Highway 74.
4. That any additional side or rear exist lights be shielded.
5. That an additional 200' of chain link fence along with "Condition A" planting be erected along the southeast side of the new building or as shown in red on the plan.

R. L. Coleman, developer of the Asheville Mall, spoke in favor of the request. In rebuttal to the question of possible increase of traffic on Highways 70 and 74, he stated that the 7 and 9 o'clock peak hours of the theatre operation would not conflict with the peak hours of the shopping center operation.

Since no one else wished to speak for or against the amendment, Mayor Wood closed the public hearing at 3:28 o'clock p. m.

Councilman Hoyle and Councilman Ochsenreiter voiced considerable concern over the present traffic being generated by the Asheville Mall development, and they questioned the advisability of further aggrevating the problem by the addition of a large theatre. They said they had personally investigated the situation and that the residents of White Pine Drive now have a difficult time entering Highway 70, even though a light is in operation at this intersection.

CARROLL AVENUE BRIDGE

Lacy T. Haith speaking in behalf of the residents of Carroll Avenue and the Mountainside Apartments asked Council to consider grading a ramp to Valley Street instead of replacing the Carroll Avenue bridge recently damaged in an accident which resulted in the demolition of the bridge. He said he was aware that Council had also received a request to replace the bridge but he felt the ramp into Valley Street would be more satisfactory.

Mayor Wood advised him that due to the cancellation, by the Board of Transportation of the North-South connector the City was now considering the widening of Valley Street and the results of the engineering studies would no doubt determine the future of the Carroll Avenue bridge. He said that in making this determination every consideration would be given to Mr. Haith's request.

SENIOR CITIZENS INVITATION

Several members from the Senior Citizens Opportunity Center were in attendance at the Council meeting and issued a special invitation to meet with them on Thursday, November 22, 1973.

COUNCIL MEETING CANCELLED ON NOVEMBER 22, 1973

Mayor Wood announced that their would be no meeting of Council on Thanksgiving Day, November 22, 1973.

Adjournment.

Richard D. Wood, Jr.
MAYOR

William J. Mulcahy
CITY CLERK

BIDS - LIGHTING AT ASHEVILLE RECREATION PARK

5. Consideration was given to bids received November 12, 1973 for a new lighting system at the Asheville Recreation Park.

The City Manager read a memorandum from the Purchasing Agent recommending the acceptance of the low bid of $67,876.00 less a negotiated adjustment of $7,280.00 for a total of $60,596.00. He also read a letter from the low bidder, M. B. Haynes Electric Corp., verifying the deduction of their original quotation. Mr. Ward also noted that he had a memorandum from the Director of Parks and Recreation supporting the recommendation of the Purchasing Agent.

In answer to the question by Councilman Morris, Mr. Kisiah told Council that the proposed system was designed with a number of different circuits so that some lights could be cut off during times when they were not needed.

Using a layout plan Mr. Kisiah went over the proposed system in detail, describing the different circuits and different areas to be lighted.

Councilman Ochsenreiter moved that the low bid of $60,596.00 as submitted and negotiated by M. B. Haynes Electric Corp. be accepted. This motion was seconded by Councilman Colton and carried unanimously.

Bid Summary

Bid Request # 192 - Recreation Park Lighting System

M. B. Haynes Electric Corp. -	Base Bid -	$67,876.00
	Alternate E-1 - Less Fixtures (Subtract from Base Bid)	9,800.00
	Alternate #2 - after negotiating and adjustment made base bid $67,876.00 less adjustment $7,280.00	60,596.00
Asheville Electric Co. -	Base Bid	$ 73,875.00
	Alternate E-1 - Less Fixtures (Subtract from Base Bid) $10,500.00	
	Total Alternate #1	66,100.00
Hayes & Lumsford Electric -	Base Bid	$ 75,300.00
	Alternate E-1 - Less Fixtures (Subtract from Base Bid) $9,200.00	
	Total Alternate #1	$66,100.00

BIDS - SCRUBBING MACHINE FOR CIVIC CENTER

6. Consideration was given to bids received November 15, 1973 for one (1) Ride on Scrubber Machine for the Civic Center.

Councilman Hoyle stated that he felt that further study should be made before the question was given final approval. With this he moved to table further consideration on the amendment at this time. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Mayor Wood ruled that the motion was non-discussable even though he did allow Councilman Colton to mention his concern about the traffic generated by the ABC store. He then instructed the City Manager to have the Assistant City Manager and the City Traffic Engineer contact the State Highway Department and discuss the traffic situation on Highways 70 and 74 with reference to the addition of another business. He asked that results of this meeting be reported back to Council.

Councilman Morris requested that Mr. Coleman be advised as to the date when Council would again consider his request. Mayor Wood stated that further consideration would be announced through the published agenda and that Mr. Coleman would also be personally notified.

ORDINANCE NO. 787 - AN ORDINANCE AMENDING SECTION 27-8 OF CHAPTER 27 OF THE ASHEVILLE CODE RELATING TO TAXICAB FARES

3. Consideration was given to an ordinance amending Section 27-8 of Chapter 27 of the Asheville Code relating to taxicab fares.

At the request of Mayor Wood the City Manager read the ordinance.

At the request of Councilman Colton, Mr. Jack Cheeseborough, attorney for the Taxicab Association, reviewed the previous changes approved in April, 1973. He explained that the change requested at this time would not effect the rate change of last April. He said the previous change amounted to a 10¢ increase after the first mile, the present request would increase the fare 20¢ for the first 2/5 mile.

There was considerable discussion between Council and the cab operators present relative to the increase in all costs in the operation of their business. All stated the rising costs was their reason for requesting the increase.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, Ordinance No. 787 carried on the first reading by a 7 - 0 vote. Mayor Wood scheduled the second reading for the next Council meeting.

TALMADGE COURT - FINAL SUBDIVISION PLAT

4. Consideration was given to the recommendation of the Planning and Zoning Commission relative to the approval of the final subdivision plat for Talmadge Court.

Nick Kmecza, Planning Director, read a letter from the Planning and Zoning Commission stated that they had reviewed the request and recommended to Council that the final subdivision plat be approved. Mr. Kmecza also read a letter from Phil Cocke, Director of Public Works which stated that the subdivision met with all the requirements of his department.

Councilman Colton moved that the plat be approved. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

RESOLUTION NO. 73-134 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE CONNECTION ACROSS N C 191 AT AVERY CREEK ROAD INTERSECTION, AVERY CREEK TOWNSHIP

9. Consideration was given to a resolution authorizing the Mayor to execute right of way encroachment agreement with the North Carolina State Board of Transportation for water line connection across N C 191 at Avery Creek Road intersection, Avery Creek Township.

The City Manager read the resolution.

Upon motion of Councilman Dailey, seconded by Vice-Mayor Marshall, Resolution No. 73-134 was unanimously adopted.

Complete text of Resolution No. 73-134 will be found in Resolution Book No. 7 at page 140.

RESOLUTION NO. 73 -135 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE CONNECTION ACROSS US-25A FOR BALLANTREE SUBDIVISION, LIMESTONE TOWNSHIP

10. Consideration was given to a resolution authorizing the Mayor to execute right of way encroachment agreement with the North Carolina State Board of Transportation for water line connection across US-25A for Ballantree Subdivision, Limestone Township.

The City Manager read the resolution.

Upon motion of Councilman Dailey, seconded by Vice-Mayor Marshall, Resolution 73-135 was unanimously adopted.

Complete text of Resolution No. 73-135 will be found in Resolution Book No. 7 at page 141.

RESOLUTION NO. 73-136 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER AND SANITARY SEWER LINES ON LEICESTER HIGHWAY WESTERLY FROM OAK HILL DRIVE, WARD 6

11. Consideration was given to a resolution authorizing the Mayor to execute right of way encroachment agreement with the North Carolina State Board of Transportation for water and sanitary sewer lines on Leicester Highway westerly from Oak Hill Drive, Ward 6.

The City Manager read the resolution.

Upon motion of Councilman Dailey, seconded by Vice-Mayor Marshall, Resolution No. 73-136 was unanimously adopted.

Complete text of Resolution No. 73-136 will be found in Resolution Book No. 7 at page 142.

The City Manager read a memorandum from the Purchasing Agent recommending the low bid of $6,172.06 submitted by Tennant Company be accepted.

Councilman Morris moved that the recommendation of the Purchasing Agent be accepted and that Tennant Company be awarded the contract in the amount of $6,172.06. This motion was seconded by Councilman Dailey and carried unanimously.

Bid Summary

Bid Request # 194 - One (1) Ride on Scrubber Machine for Civic Center

Bidder	Amount
United Chemical Company	$ 7,655.00
Tennant Company	$ 6,172.06

BIDS - ESTIMATED TWELVE MONTHS WATER METERS REQUIREMENT

7. Consideration was given to bids received November 13, 1973 for an estimated 12 months water meter requirements.

The City Manager read a memorandum from the Purchasing Agent recommending that Rockwell Mfg. Company be awarded the contract in the amount of $66,508.00. The memorandum called attention to items #2, 4, and Item "A" in which the bid of Badger Meter Company was lower than that of Rockwell Mfg. Company, but he pointed out that on the total bid Rockwell Mfg. Company was low. He said that awarding the entire contract to Rockwell Mfg. Co. would save stocking parts for two different type meters since the parts are not interchangable. The City Manager also read letters from the Water Billing Department and the Meter Department concurring with the Purchasing Agent's recommendation.

Councilman Morris moved that the recommendation of the Purchasing Agent be accepted and that the Rockwell Mfg. Company be awarded the contract in the amount of $66,508.00. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

Bid Request #193 - Estimated Twelve (12) months requirement for water meters

Bidder	Item A - 4" Compound Water Meters	Item B - 6" Compound Water Meters	Item C - 8" Compound Water Meters	Total
Badger Meter Mfg. Co.	$ 982.39 ea.	$ 1,855.67 ea.	$ 2,870.40 ea.	$5,708.46
Hersey Products Inc.	1,057.00 ea.	2,104.00 ea.	3,106.00 ea.	6,267.00
Neptune Meter Co.	1,019.10 ea.	2,018.85 ea.	3,115.35 ea.	6,153.30
Rockwell Mfg. Co.	924.00 ea.	1,906.00 ea.	2,750.00 ea.	5,580.00
Davis Meter & Supply	997.29 ea.	1,985.19 ea.	2,930.49 ea.	5,912.97

BILLIARD HALL APPLICATION - 92 BROOK STREET

8. Consideration was given to an application submitted by N. D. Robinson for a license to operate a billiard hall at 92 Brook Street.

The City Manager was instructed to obtain the required reports and recommendations from the Police Department, Fire Department, Building Inspector, and Health Department and to submit them at the next Council meeting.

RECOGNITION OF COUNCILMAN DAILEY'S FINAL COUNCIL MEETING

At the close of the regular meeting Mayor Wood recognized that this was the last meeting for Councilman Ruben Dailey, who did not seek re-election for another term. On behalf of the Council and "all citizens" he expressed appreciation for the fine service on the Council since 1969. Councilman Ochsenreiter recommended that a resolution to this affect be unanimously adopted, seconded and passed by the entire Council.

Mayor Wood presented and read a resolution passed by the Asheville Area Chamber of Commerce commending Councilman Dailey not only for his work on the City Council but also for his services on many other civic endeavors.

Mayor Wood then requested that Councilman Dailey adjourn the meeting.

Councilman Dailey adjourned the meeting.

Richard D. Wood, Jr.
MAYOR

William D. Mecum
CITY CLERK

DAMAGES CLAIM - REBECCA AUSTIN -VS- CITY OF ASHEVILLE

The City Manager reported that he had received a communication from Mr. David Gray, attorney for Mrs. Rebecca Austin, concerning an accident involving a city vehicle on US 25 on October 25, 1973.

Mayor Wood instructed him to turn the claim over to the Corporation Counsel for appropriate disposition.

RESOLUTION NO. 73-137 - RESOLUTION APPOINTING MEMBER OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL (Fred M. Pearlman)

Consideration was given to a resolution appointing member of the City of Asheville Board of Alcoholic Control (Fred M. Pearlman).

The City Manager was instructed to read the resolution.

Upon motion of Councilman Hoyle, seconded by Councilman Ochsenreiter, Resolution No. 73-137 was unanimously adopted.

Complete text of Resolution No. 73-137 will be found in Resolution Book No. 7 at page 143.

REPORT BY CITY MANAGER ON CAROLINA POWER AND LIGHT COMPANY RATE INCREASE

The City Manager reported to Council that the Carolina Power and Light Company has filed before the North Carolina Utilities Commission a request for an adjustment and increase in electrical rates and charges and the North Carolina Utilities Commission has advised that a public hearing relative to the application will be held in Raleigh, North Carolina on December 19, 1973. The increase requested by Carolina Power and Light Company would on an average increase the residential customer by 21.3%, a small general service customer by 15.4%,and a large general service customer by 27.2% and in addition the Carolina Power and Light Company has petitioned the North Carolina Utilities Commission for authority to place approximately 11% of this increase into effect as of December 1, 1973.

The hearing to be held in Raleigh on December 19, 1973 requires a request to be heard or a petition for anyone wishing to object to the proposed rate increase by December 10, 1973.

In compiling the figures for the City of Asheville's electric service from October, 1972 through September, 1973, the proposed increase would range from 6% to 24% with a total increase over a period of a year would amount to $80,000, and this would present a problem for the current fiscal years budget. Mr. Ward told Council that Mr. Robinson, Corporation Counsel, was in need of some direction as to whether or not he should intervene on behalf of the City of Asheville before the North Carolina Utilities Commission hearing on December 19, 1973.

After considerable discussion between Council, City Manager, and the Corporation Counsel, particularly as to how the rate would effect the current budget, Councilman Ochsenreiter moved that the Corporation Counsel be instructed to intervene at the North Carolina Utilities Commission hearing and object to the rate increase as it would effect the current years budget. This motion was seconded by Councilman Colton and unanimously adopted.

RESOLUTION NO. 73-139 - RESOLUTION DESIGNATING THE OFFICERS AND EMPLOYEES WHO SHALL GIVE BONDS FOR PERFORMANCE OF THEIR DUTIES AND SETTING AMOUNTS THEREOF

Consideration was given to a resolution designating the officers and employees who shall given bonds for performance of their duties and setting amounts thereof.

The City Manager presented the resolution.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 73-139 was unanimously adopted.

Complete text of Resolution No. 73-139 will be found in Resolution Book No. 7 at page 145.

RESOLUTION NO. 73-140 - RESOLUTION PRESCRIBING THE TIME AND DAY OF THE WEEKLY MEETING OF THE CITY COUNCIL

Consideration was given to a resolution prescribing the time and day of the weekly meeting of the City Council.

The City Manager presented the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, Resolution No. 73-140 was unanimously adopted.

Complete text of Resolution No. 73-140 will be found in Resolution Book No. 7 at page 146.

This concluded the business of the organizational meeting and the newly elected Council proceeded with the regular meeting.

Thursday- December 6, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Eugene C. Ochsenreiter, Jr., Bill B. Horton, Henry E. Colton, Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.,

Absent: None

1. Approval of minutes of the meeting of November 29, 1973.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Morris, the minutes of the November 29, 1973 meeting were approved as submitted.

ORDINANCE NO. 787 - AN ORDINANCE AMENDING SECTION 27-8 OF CHAPTER 27 OF THE ASHEVILLE CODE RELATING TO TAXICAB FARES

2. Consideration was given to the second reading of Ordinance No. 787, an ordinance amending Section 27-8 of Chapter 27 of the Asheville Code relating to taxicab fares.

Thursday - December 6, 1973 - 3:00 o'clock

Organizational Meeting

The newly elected City Council held its organizational meeting at 3:00 o'clock p. m. on Thursday, December 6, 1973 with Mayor Richard A. Wood, Jr. presiding.

The following members of the Council were individually given the oath of office by City Clerk William F. Wolcott, Jr.

Councilmen: Henry E. Colton
Bill B. Horton
J. W. Hoyle
Calvin W. Marshall
Ralph D. Morris, Jr.
Eugene C. Ochsenreiter, Jr.
Richard Austin Wood, Jr.

ELECTION OF MAYOR AND VICE-MAYOR

Mayor Wood announced the next order of business was the election of Mayor and Vice-Mayor and he opened the floor for nominations for Mayor. Councilman Morris nominated Richard A. Wood, Jr., which was seconded by Councilman Hoyle. Vice-Mayor Marshall's motion, that the nominations be closed was seconded by Councilman Hoyle and carried unanimously. On a voice vote Richard A. Wood, Jr. was unanimously elected as Mayor.

The floor was then opened for nominations for Vice-Mayor. Councilman Colton nominated Calvin W. Marshall, which was seconded by Councilman Ochsenreiter. Councilman Morris's motion that nominations be closed was seconded by Councilman Hoyle, and carried unanimously. On a voice vote Calvin W. Marshall was unanimously elected Vice-Mayor.

Mayor Wood announced that there was several items of business to be considered at this time and proceeded with the organizational meeting. Before continuing, however, he stated that according to the North Carolina State Statutes the Mayor is given the right to vote only when there are equal number of votes in the affirmative or the negative. He said that this procedure had not been followed in the past but would be adhered to in the future.

RESOLUTION NO. 73-138 - RESOLUTION DESIGNATING BANKING DEPOSITORIES FOR CITY FUNDS

Consideration was given to a resolution designating banking depositories for City Funds.

The City Manager presented the resolution.

Upon motion of Councilman Horton, seconded by Vice-Mayor Marshall, Resolution No. 73-138 was unanimously adopted.

Complete text of Resolution No. 73-138 will be found in Resolution Book No. 7 at page 144.

Councilman Morris moved that, as recommended, Item 1 be rebid. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Councilman Morris moved that, since the low bidder did not meet the specifications, the bid of $22,698.00 from Sico Incorporated, be accepted. This motion was seconded by Councilman Hoyle and carried unanimously.

Councilman Colton moved to accept the low bid of $3,546.00 from Wenger Corporation for Item #3. This motion was seconded by Councilman Horton and carried unanimously.

Councilman Hoyle moved to accpt the single bid of $12,965.00 from Wenger Corporation for Item # 4. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Bid Summary

Bid Request #195 - Miscellaneous Equipment for the Civic Center

Bidder	Item #1 Follow Spotlight	Item # 2 Portable Stage	Item # 3 Band Risers	Item # 4 Acoustical Shell
Abba Equipment Co.	No Bid	No Bid	$3,857.70	No Bid
Toledo Theatre Supply Co.	$2,918.00	No Bid	No Bid	No Bid
Wenger Corporation	No Bid	$14,065.00	$3,546.00	$12,965.00
Sico Incorporated	No Bid	$22,698.00	No Bid	No Bid

BILLIARD HALL LICENSE - 92 BROOK STREET

5. Consideration was given to the approval or an application presented at the November 29, 1973 meeting for a license to operate a billiard hall at 92 Brook Street in Biltmore.

The City Manager reported that the required inspections had been completed by the Police, Fire, Building Inspector and Health Departments and asked permission to read the reports. Except for some minor deficiencies all the reports were favorable. However, the Building Inspector reported that the location was not within a billiard hall zone as set forth in the Billiard Hall Ordinance.

Corporation Counsel Robert J. Robinson advised Council that to approve the application the billiard hall ordinance would have to be amended and the minor deficiencies reported would have to be corrected.

Councilman Morris moved that Corporation Counsel Robert Robinson and Chief Hall review the entire ordinance and submit their recommendations. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

RESOLUTION NO. 73-141 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN OPTION ON BEHALF OF THE CITY OF ASHEVILLE TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE SALE OF A PORTION OF LAND LOCATED ON THE NORTH SIDE OF THE ASHEVILLE EXPRESSWAY NEAR WEST END OF BEAUCATCHER TUNNEL, CONSISTING OF 738.32 SQUARE FEET

6. Consideration was given to a resolution authorizing the Mayor to sign an option on behalf of the City of Asheville to the North Carolina Department of Transportation for the sale of a portion of land located on the north side of the Asheville Expressway near west end of Beaucatcher Tunnel, consisting of 738.32 square feet.

On a roll call vote of 6-0, Ordinance No. 787 carried on the second reading. (It is noted that newly elected Councilman Horton, who replaced Councilman Dailey, voted "yes" on the second reading, Councilman Dailey having voted "yes" on the first reading).

At the request of Mr. Jack Cheeseborough, attorney for the taxicab association, who cited the taxicab operators finanical need for expediency, Councilman Ochsenreiter moved that Council dispense with the Charter requirements for three separate readings and proceed with the third and final reading. This motion was seconded by Councilman Hoyle and was carried on a 2/3 voice vote.

On a 5-1 vote, Ordinance No. 787 carried on the third and final reading.

Complete text of Ordinance No. 787 will be found in Ordinance Book No. 6 at page 44.

WATER SERVICE FOR CROWFIELDS DEVELOPMENT

3. Consideration was given to a request from Beverly-Grant, Inc. for additional water supply and service facilities for their Crowfields Development on Hendersonville Road.

The City Manager read a letter from Mr. George W. Beverly, Jr. requesting service for Buildings M, N, O, and P at Crowfields. He stated that this would amount to water for 32 additional units, but that the 6" mains had already been installed and that all the additional work necessary was the installation of four meters.

Councilman Colton moved to approve the request, which motion was seconded by Councilman Hoyle and carried unanimously.

BIDS - MISCELLANEOUS EQUIPMENT FOR THE CIVIC CENTER

4. Consideration was given to bids received on November 26, 1973 for the following items:

Item 1 - Follow Spotlight
Item 2 - Portable Stage
Item 3 - Retangular Band Orchestra Risers
Item 4 - Acoustical Shell

The City Manager in presenting the bids read a memorandum from the Purchasing Agent who in concurrence with the Manager of the Civic Center made the following recommendations.

Item 1 - Follow Spotlight - Rebid this item - price too high.
Item 2 - Portable Stage - accept the bid of $22,698.00 from Sico Incorporated Low bid of Wenger Corporation does not meet specifications.
Item 3 - Orchestra Risers - accept the low bid of $3,546.00 from Wenger Corporation.
Item 4 - Acoustical Shell - Accept the single bid of $12,965.00 by Wenger Corporation.

After a discussion of the recommendations with both the Purchasing Agent and the Civic Center Manager, Council decided to act on each item individually.

Thursday, December 13, 1973 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Eugene C. Ochsenreiter, Jr., Bill B. Horton, Henry E. Colton, Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of the meeting of December 6, 1973.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Colton, the minutes of the December 6, 1973 meeting were approved as submitted.

CIVIC CENTER SCOREBOARD AGREEMENT DEFERRED

2. Mayor Wood announced that the review of the agreements, between the City, First Union National Bank and the CocaCola Bottling Company on the donation of a scoreboard for the new Civic Center, had not been completed and action on this matter would be deferred until next week.

RESOLUTION NO. 73-143 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE CONNECTION ACROSS SR 3116 AND WATER LINE EXTENSION ALONG EAST SHOULDER OF SAME, LIMESTONE TOWNSHIP

3. Consideration was given to a resolution authorizing Mayor to execute right of way encroachment agreement with the North Carolina State Board of Transportation for water line connection across SR 3116 and water line extension along east shoulder of same, Limestone Township.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 73-143 was unanimously adopted.

Complete text of Resolution No. 73-143 will be found in Resolution Book No. 7 at page 149.

GROUP DEVELOPMENT PLAN - ASHEVILLE MALL

4. Further consideration was given to the approval of the amended Group Development Plan for the Asheville Mall. The amendment included the construction of a theatre at the east end of the Mall.

As instructed by Council at the November 31st meeting, Assistant City Manager William F. Wolcott and Paul Dutcher, Traffic Engineer, reported that after a conference with the State Highway Traffic Engineers, it was confirmed that if a theatre was constructed as proposed a traffic signal would be recommended at the U S 74 access road to the theatre, provided sufficient traffic was generated to warrant it. They also reported that it was the opinion of the Highway Engineers that the addition of the theatre would not appreciably increase the traffic on Tunnel Road.

The City Manager presented the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Horton, Resolution No. 73-141 was unanimously adopted.

Complete text of Resolution No. 73-141 will be found in Resolution Book 7 at page 147.

RESOLUTION NO. 73-142 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR EXISTING WATER AND SANITARY SEWER MAINS ON I-40 INTERCONNECTIONS WITH US-74 AND SR 3030, WARD 7

7. Consideration was given to a resolution authorizing the Mayor to execute right of way encroachment agreement with the North Carolina State Board of Transportation for existing water and sanitary sewer mains on I-40 interconnections with US-74 and SR 3030, Ward 7.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Bolton, Resolution No. 73-142 was unanimously adopted.

Complete text of Resolution No. 73-142 will be found in Resolution Book No. 7 at page 148.

PETITION - REZONING REQUEST FOR PROPERTY ON HAZEL MILL ROAD

The City Manager presented a petition he received from several property owners on Hazel Mill Road, requesting a change in zoning of Lots 365, 365-1/4, 365-1/2, 450, 456, and 457, Ward 6, Sheet 16, from RA-6 to Roadside Business.

Mayor Wood referred the petition to the Planning and Zoning Commission for their review and recommendation.

JIM HADLEY - MEALS ON WHEELS PROGRAM

Mr. Jim Hadley, President of the Happy Hour Club, a senior citizens group, appeared before Council with an appeal for their support and influence in finding someway to continue the "Meals on Wheels" program. He said that the program now supported by Model Cities would no longer be funded after December 31st and that the 60 persons now being fed are in desperate need that it be continued.

Mayor Wood thanked him for his clubs efforts in behalf of the program and assured him his appeal would be given every consideration.

COUNCILMAN BILL B. HORTON ADJOURNS MEETING

Newly elected Councilman Bill B. Horton attending his first meeting was given the privilege of adjourning the meeting.

Adjournment.

Richard D. Wood, Jr.
MAYOR

Miriam F. McCrary
CITY CLERK

Councilman Morris asked Mr. Thoms, that if the increase was granted would CATV be agreeable to a stipulation that the money generated by the increase be used solely for the expansion of the system. Mr. Thoms responded that he did not think this was a fair condition, but even so he would anticipate that a larger amount would be spent on expansion in the next year.

Councilman Horton called attention to a condition in Section II of the franchise that set the rates that the Grantee could charge initially, and for two years after the first 3000 subscribers have been connected. He said if he interpreted this paragraph correctly a rate change could not be made until this condition had been satisfied. Mr. Thoms could not give the exact date that the 3000 subscriber level had been reached but he said that this had been accomplished some time ago.

Council was in agreement that if the 3000 subscriber plateau had been in effect for two years they had no other choice but to grant the requested increase. However, if this condition had not been satisfied then the increase could not be granted.

Mayor Wood suggested that as a way of proceeding, that Mr. Thoms furnish Council with a letter stating the date that CATV reached 3000 primary hook-ups. If these hook-ups have been in effect for two years, Mayor Wood stated that he would instruct the Corporation Counsel to prepare an ordinance for Council's consideration which would approve the rate increase.

Councilman Colton suggested that the entire ordinance be reviewed by the City Manager and Corporation Counsel to insure that all sections were being followed.

Councilman Horton added his concurrence specifying special emphasis on Sections 8, 9, 26 and 32.

REZONING PETITION - 211 MONTFORD AVENUE

The City Manager presented to Council a petition from Mr. Ernest E. Hall to rezone Lots 147 and 148, Ward 3, Sheet 3, at 211 Montford Avenue, from Residential to Neighborhood Trading.

In the absence of an objection from Council, Mayor Wood referred the petition to the Planning and Zoning Commission for investigation and recommendation.

PETITION - OBJECTION TO PROPOSED BILLIARD HALL AT 92 LODGE STREET

The City Manager read a petition from several tenants, merchants and land owners in Biltmore Village, objecting to Council's approval of a proposed billiard hall at 92 Lodge Street. Mayor Wood acknowledged the petition and accepted it as information.

ORDINANCE NO. 788 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1973-74

Consideration was given to an ordinance amending the operating budget of the City of Asheville for the fiscal year 1973-74.

Councilman Hoyle called attention to the traffic bottleneck at White Pine Road and the service road leading to the Mall's parking lot. He said that it was felt that the Sears employees use of the access road was partially responsible for the congestion and that Sear's manager had instructed his employees to use the main entrances. A discussion followed during which it was suggested that the access road be closed or at least be made a one way into the parking area. It was also suggested by Mr. Dutcher that a minor movement signal be added to the present signal system to give added preference to White Pine Road. Further Mr. Dutcher said that the Highway Department was planning some minor adjustments to the timing of the signal system and that this should result in some improvement.

Councilman Morris moved that Council request the Department of Transportation to install a minor movement left turn controller in the present signal system at White Pine Road. This motion was seconded by Councilman Hoyle and carried unanimously.

Councilman Horton and Ochsenreiter requested that Mr. Dutcher observe the traffic in the White Pine Road and the access roads both from the Asheville Mall and the road in the rear of the ABC Store, and to report back to Council after a 30 day trial period.

Councilman Ochsenreiter moved that the amended Group Development Plan, for the Asheville Mall, be approved subject to the completion of the recommendations made by the Planning and Zoning Commission. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

THOMS CABLEVISION REQUEST FOR RATE INCREASE

5. Consideration was given to a request from Thoms Cablevision for a basic monthly rate increase.

Mr. Harold Thoms, appearing in behalf of his company, before making his presentation passed out to Council copies of a survey showing comparison rates of other cities the approximate size of Asheville, a comparison of Thoms' rates with the average rate of the 29 cities surveyed and the proposed new rates being requested. He then called Council's attention to Section 11 of the franchise ordinance which allowed the Grantee the right to increase rates to meet the national average. He said that the increase that he was requesting at this time was lower than the original request and that they were within the provisions of the franchise. Upon inquiry by Council, Mr. Thoms stated that they had 4,500 subscribers at this time, of which 3,900 were residential and 150 were in the county; that 22 miles of cable had been strung in West Asheville and that this had only produced 400 subscribers at a cost of about $115,000, that in spite of the lack of interest already experienced in this area, plans were being made to extend the West Asheville service to Wilshire Park at a cost of about $50,000; that the requested raise should generate approximately $3,500 - $4,000 per month; that the original survey of the CATV potential of the Asheville area indicated that after four years there would be about a 60% saturation which in reality after six years had only produced approximately 35%.

Councilman Colton said that it disturbed him that in accordance with the franchise the entire area of Asheville should be serviced and he was sure that this was not the case. Mr. Thoms responded that the franchise read "wherever practicable" and that in some areas it just was not financially practicable.

The City Manager presented the resolution.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 73-145 was unanimously adopted.

Complete text of Resolution No. 73-145 will be found in Resolution Book No. 7 at page 151.

RESOLUTION NO. 73-146 - RESOLUTION AMENDING THE SENIOR OPPORTUNITIES PROJECT OF THE THIRD ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

Consideration was given to a resolution amending the Senior Opportunities Project of the Third Action Year Comprehensive City Demonstration Program.

Logan Delany, Director of Model Cities, explained that the Senior Opportunities Project "Meals on Wheels" would terminate as of December 31, 1973 and that the Model Cities Commission voted in a meeting on December 10 to recommend an extension of the program for one (1) month for $4,000 some odd dollars, at which time Region B Council on Aging would pick up the program. He said that a resolution had been prepared for Council's consideration. At the Mayor's request the City Manager presented the resolution.

It was explained that the "Meals on Wheels" Program would continue after February 1, 1974 under the Region B Nutrition Program on a somewhat different basis. In reply to a question as to what would happen to shut-ins now being served under the present program it was explained that 20 meals could be delivered by volunteers with the possibility of additional meals to be delivered subject to Region B and State approval. The purpose of the Model Cities subsidy at this time would be to carry the program during the time "lag" time from December 31, 1973 to January 31, 1974.

Councilman Colton moved to adopt the resolution. This motion was seconded by Councilman Horton and carried unanimously.

Complete text of Resolution No. 73-146 will be found in Resolution Book No. 7 at page 152.

Adjournment.

Richard D. Wood, Jr.
MAYOR

William F. Malcuit
CITY CLERK

The City Manager, before presenting the ordinance, read a memorandum from Ray Kisiah, Director of Parks and Recreation, advising him that in light of the fuel shortage he was concerned over the excessive heat loss and heating fuel consumption being experienced in the main building of the Recreation Park Zoo. He said Mr. Kisiah gave as the reason excessive fuel consumption was the heat loss through the high and unadequately insulated ceiling of the building, and that a substantial fuel savings could be made by lowering the ceiling using a good insulation material. The City Manager said he concurred with Mr. Kisiah's recommendation, however, the $3,100 estimated cost for the repairs was not budgeted and that he was recommending that the funds be appropriated from the Revenue Sharing Trust Fund. He said the ordinance being presented to them at this time, for Council's consideration, would authorize him to transfer these funds.

Councilman Ochsenreiter moved for the adoption of the ordinance, which was seconded by Councilman Horton. On a roll call vote of 6-0, Ordinance No. 788 carried on the first reading.

Due to the prevailing weather conditions, it was deemed advisable to begin the repairs immediately. Therefore, Councilman Colton moved to dispense with Charter requirements for three separate readings and proceed with the second reading. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 788 was passed on the second reading.

Councilman Colton moved again to dispense with the charter requirements and proceed with the third reading. Councilman Ochsenreiter seconded this motion and it was carried unanimously.

On a roll call vote of 6-0, Ordinance No. 788 was passed on the third and final reading.

Complete text of Ordinance No. 788 will be found in Ordinance Book No. 6 at page 45.

RESOLUTION NO. 73-144 - RESOLUTION APPOINTING MEMBER TO THE ASHEVILLE TRANSIT AUTHORITY

Consideration was given to a resolution appointing member to the Asheville Transit Authority (Richard M. Taylor).

The City Manager presented the resolution.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 73-144 was unanimously adopted.

Complete text of Resolution No. 73-144 will be found in Resolution Book No. 7 at page 150.

RESOLUTION NO. 73-145 - RESOLUTION ELECTING MEMBER OF BOARD OF EXAMINERS FOR POLICEMEN'S AND FIREMEN'S PENSION AND DISABILITY FUND

Consideration was given to a resolution electing member of Board of Examiners for Policemen's and Firemen's Pension and Disability Fund (Dr. E. Sease Koon, Jr.)

Mr. Luther Anderson, 49 Hamilton Street, said that he lived on an unpaved street and wanted to know what would be done about it. He was also advised by Mayor Wood that the City would pave the street on a 50-50 City/Property Owner basis and would thereafter maintain the street within the limits of the right of way.

There being no further comments from the public, Mayor Wood closed the public hearing at 8:14 o'clock p. m., and announced that under the time schedule set forth in the N. C. Statutes further action could not be taken by Council at this meeting, but that he would instruct the Corporation Counsel to prepare an ordinance, extending the Corporate Limits to the Biltmore-Caribou Road area, for Council's consideration at the next meeting on January 3, 1974.

PUBLIC HEARING - ANNEXATION OF THE EMMA AREA

3. A public hearing was held to consider the annexation into the Corporate Limits certain property in the Emma area.

Mayor Wood opened the public hearing at 8:17 o'clock p. m. and asked Mr. William C. Moore, Acting Corporation Counsel, to read the affidavit of publication establishing that proper notice of the hearing had been advertised.

Mr. Nick Kmecsa, Director of Planning, was called on to review the plan outlining the services to be provided in the area proposed to be annexed.

Mr. Henry Fisher, a local attorney and a property owner in the Emma area, bitterly opposed the annexation and voiced his distrust of past and present city administrations and their intentions of ever doing anything for the area except collect taxes. He made particular reference to the proposed water and sewer extensions which he said would never become a reality. He vowed that he would continue to fight against the annexation.

Mr. John Daniel, District Manager of the Square D Corporation, also opposed the proposed annexation. He said that if the area did not include his plant and several others he was sure the Council would not find it profitable to annex this area. He said that it was his opinion that the inordinate profit that the city would realize was unfair, and would not mean a great deal to his company. He said that an annexation move at this time would not mean the curtailing of present operations nor the closing of the plant, but it could possibly act as a deterrant to future expansion plans. He agreed with Councilman Morris that Asheville did provide other services to his company and his employees, by way of a labor pool, cultural environment, entertainment and the airport facilities.

Mr. Wayne Kinser, owner and developer of the Smoky Mountain Hilton Motel, added his objections to the annexation at this time. He said that the unanticipated increase in taxes would be an additional burden to the financial success of the development. He said it was his opinion that the best use of the property in this area was for industrial sites and should not be developed into an urban area. He cited the benefits of the development in providing employment and attracting tourists as more than offsetting the increased revenue the City would derive from taxes.

Mrs. Calvin Tipton of 431 Emma Road and Mrs. June Fox, 565 N. Louisiana Avenue, both spoke in opposition to the annexation. Their main objection being the increase in the cost of living for many of the residents in the area.

There being no further comments from the public, Mayor Wood closed the public hearing at 9:15 o'clock p. m. Again, he announded that no further action could be taken at this time, but that he would instruct the Corporation Counsel to prepare

Thursday, December 20, 1973 - 7:30 o'clock p. m.

Regular Meeting held at South French Broad High School

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., Eugene C. Ochsenreiter, Jr., Bill B. Horton, Henry E. Colton, Acting Corporation Counsel William C. Moore, substituting for Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/ City Clerk William F. Wolcott, Jr.

Absent: Councilman J. W. Hoyle and Corporation Counsel Robert J. Robinson

1. Approval of minutes of the meeting of December 13, 1973.

Upon motion of Councilman Ochsenreiter, seconded by Vice-Mayor Marshall, the minutes of the December 13, 1973 meeting were approved as submitted.

PUBLIC HEARING - ANNEXATION OF BILTMORE-CARIBOU ROAD AREA

2. A public hearing was held to consider the annexation into the Corporate Limits certain property in the Biltmore-Caribou Road area.

Mayor Wood opened the public hearing at 7:38 o'clock p. m. and asked Mr. William C. Moore, Acting Corporation Counsel, to read the affidavit of publication establishing that proper notice of the hearing had been advertised.

Mr. Nick Kmecza, Director of Planning, was called on to review the plan outlining the services to be provided in the area proposed for annexation.

Mr. Lloyd Kirk, 866 Hendersonville Road, did not specifically oppose the annexation but did ask for clarification on each of the services to be provided. He was particularly interested in the paving and street lighting policies. Mayor Wood informed him that unpaved streets would be paved on the presentation of a petition by the abutting property owners and their agreement to pay approximately 50% of the cost. The street lighting policy he said would be the same as now in effect in the present City Limits with the main thoroughfares receiving preferential treatment over the residential area in so far as intensity was concerned.

Mr. Carl Herman, 1292 Hendersonville Road, opposed the annexation and asked that the proposed boundary be cut off at Rockwood Road instead of the Blue Ridge Parkway. He said this would only exclude five residents and five businesses, one of which he admitted would be his own. He said that he was satisfied with the services now being provided by the County.

Mr. Ed Siler also opposed the annexation. He said the additional services provided would not offset the additional taxes he would have to pay. He said that as a State Highway Department employee he was familiar with the maintenance program and he knew the State maintained their roads better than the City of Asheville. Therefore this proposed service did not interest him.

Mr. William A. Jones, 72 Jefferies Drive, stated that he had made a survey of an area recently annexed and found that the residents were dissatisfied and complained that the additional street lights was the only new service they received. He also asked for an explanation of the City's paving policy. Mayor Wood repeated his previous explanation.

RESOLUTION NO. 73-148 - RESOLUTION AUTHORIZING THE MAYOR TO EXTEND THE LEASE AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE OPPORTUNITY CORPORATION OF MADISON-BUNCOMBE COUNTIES FOR THE USE OF THE PROPERTY AND FACILITIES FORMERLY KNOWN AS THE LIVINGSTON STREET SCHOOL PROPERTY

6. Consideration was given to a resolution authorizing the Mayor to extend the lease agreement between the City of Asheville and the Opportunity Corporation of Madison-Buncombe Counties for the use of the property and facilities formerly known as the Livingston Street School property.

The City Manager read the resolution and advised Council that Mr. Kisiah, Director of Parks and Recreation, had informed him by letter that the extension of this lease would not interfere with his departments future plans for the use of the school property.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Horton, Resolution No. 73-148 was unanimously adopted.

Complete text of Resolution No. 73-148 will be found in Resolution Book No. 7 at page 155.

BIDS - CHEMICALS FOR TREATMENT OF WATER FOR CALENDAR YEAR 1974.

7. Consideration was given to bids opened December 18, 1973 for chemicals for treatment of water for the calendar year 1974.

The City Manager read a memorandum from J. R. McMahan, Purchasing Agent, recommending the following:

Item 1 - All bids identical recommended the local vendor - Ticar Chemical Company
Item 2 - Low bidder recommended - Moreland Chemical Company
Item 3 - Low bidder recommended - Ticar Chemical Company
Item 4 - Ticar Chemical Company was low bidder on this item at $46.00 per ton but advised purchasing agent after bids had been opened that he had made an error and wanted to raise his bid to $56.40 per ton. This bid was identical to his competitor, Moreland Chemical Company. The recommendation was to accept the error and award to Ticar Chemical Company.

After a discussion the Purchasing Agent suggested that Items 1 and 3 be awarded to Ticar Chemical and Items 2 and 4 be awarded to Moreland Chemical Company. The City Manager concurred with this recommendation. It was agreed that action for approval would be taken on each item individually.

On Item 1, Councilman Ochsenreiter moved to award the contract to Ticar Chemical Company, this motion was seconded by Vice-Mayor Marshall and carried unanimously.

On Item 2, Councilman Colton moved to award the contract to Moreland Chemical Company, this motion was seconded by Councilman Horton and carried unanimously.

an ordinance, extending the Corporate Limits to the Emma Area, for Council's consideration at the January 3, 1974 meeting.

At the conclusion of the public hearings Mayor Wood recessed the Council meeting for five(5) minutes.

RESOLUTION NO. 73-147 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE DONATION AGREEMENT AND MAINTENANCE AGREEMENT WITH AMERICAN SIGN AND INDICATOR CORPORATION AND TO EXECUTE APPROVAL OF ADVERTISING AGREEMENTS WITH FIRST UNION NATIONAL BANK OF NORTH CAROLINA AND COCA-COLA BOTTLING COMPANY OF ASHEVILLE, NORTH CAROLINA

4. Consideration was given to a resolution authorizing the Mayor to execute donation agreement and maintenance agreement with American Sign and Indicator Corporation and to execute approval of advertising agreements with First Union National Bank of North Carolina and Coca-Cola Bottling Company of Asheville, North Carolina.

The City Manager presented the resolution.

Upon motion of Councilman Colton, seconded by Councilman Morris, Resolution No. 73-147 was unanimously adopted.

Complete text of Resolution No. 73-147 will be found in Resolution Book No. 7 at page 154.

RESOLUTION APPLYING FOR FEDERAL FLOOD INSURANCE ELIGIBILITY FOR THE CITY OF ASHEVILLE

RESOLUTION OF INTENT TO ENACT FLOODWAY REGULATIONS

Consideration was given to a resolution applying for Federal Flood Insurance for the City of Asheville. Mayor Wood noted that the next item on the agenda was a companion resolution regarding the intent of the City to enact Floodway Regulations. Councilman Colton suggested that both resolutions be considered at the same time. The City Manager was requested to present the resolution applying for Federal Flood Insurance and Mr. Kmecza, Director of Planning, on request, explained that the resolution just read was an interum measure authorizing and requiring the Building Inspector to review applications for building permits within the flood hazard area. The resolution of intent to enact Floodway Regulations, not yet presented, he said would also be an interum measure, as Asheville's plans were not sufficiently developed to proceed with a final set of regulations. However, he said the adoption of these resolutions would temporarily afford property owners in the floodway area eligibility to obtain National Flood Insurance.

A lengthy discussion followed on both resolutions and some confusion developed as to whether or not Council would be taking the minimal action required by the passage of these resolutions. Councilman Colton was particularly concerned over the lack of specific minimums and just what guidelines the Building Inspector was going to be following in reviewing building plans. He said he was sure that some action would have to be taken but that he was against going above the minimum requirements. This was the consensus of opinion of the other members of Council.

Since the resolution of intent to enact Floodway Regulations had not been presented Mayor Wood asked the City Manager to read it at this time. At the conclusion of the presentation, Mayor Wood asked for a motion on either resolution, and not receiving one he ruled that the resolutions did not pass.

Mr. Max Cogburn, attorney for Thoms CATV, and appearing in their behalf, referred to the report previously submitted and reviewed in general the information covered. He said that in response to paragraph 11 of the franchise, that as of April 1, 1971 a total of 3,079 subscriber connections had been made which met the requirement of 3,000 for the two year period. He said that the rate increases requested also met the requirements of paragraph 11 in that they were in line with or below the national average. On inquiry by Councilman Colton as to the service area being covered, Mr. Cogburn pointed out that cable had been strung to pass 11,378 of the 15,375 home in Asheville and that the 1974 construction schedule would add another 1,500 homes. This he said would be approximately 84% of the total homes in the City. Mayor Wood called attention to the installation rate being $15.00 with the national average being $10.40. Mr. Cogburn defended this by arguing that the unusual topography of Asheville made construction costs run higher. However, he said, he could not argue with Council if they wish to increase or reduce all rates to the national average.

Councilman Horton questioned the 100% free drop service for schools and fire stations, to which Mr. Cogburn again referred to the report indicating that of the 11 schools due to be serviced only four were not now being served and three of these were to be connected in 1974. Eugene Rankin School being the only one not definitely scheduled because of engineering problems. The nine fire stations due to be serviced, he said that 5 already have service drops, one will be serviced immediately, 2 will be serviced in 1974 and one will be serviced when the new station is built on South French Board Avenue.

There being no other comments, Mayor Wood requested the City Manager to read the ordinance prepared for Council's consideration leaving blank the spaces indicating the rate schedule.

Councilman Morris commented that he felt that the request being made by Thoms CATV was reasonable and moved that the rate increases as requested be inserted into the ordinance prior to the first reading. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Councilman Morris's motion for the adoption of the ordinance was seconded by Councilman Ochsenreiter and on a 5-0 roll call vote Ordinance No. 789 passed on the first reading. Second reading was scheduled for the meeting of January 3, 1974.

RESOLUTION NO. 73-149 - RESOLUTION AUTHORIZING THE FILING OF A PRELIMINARY APPLICATION WITH THE URBAN MASS TRANSPORTATION ADMINISTRATION - DEPARTMENT OF TRANSPORTATION FOR A GRANT UNDER THE FEDERAL HIGHWAY ACT OF 1973

9. Consideration was given to a resolution authorizing the filing of a preliminary application with the Urban Mass Transportation Administration - Department of Transportation for a grant under the Federal Highway Act of 1973.

The City Manager read the resolution.

Mayor Wood summarized by pointing out that Asheville has a first rate bus system in terms of equipment and the purpose of the resolution was to make application to purchase additional equipment in order to keep it in good condition. He said if this grant was approved the Federal Government would assist the City up to 80% on the acquisition of additional rolling stock, 4 per year over a period of eight years. He said it was on a one year at a time basis, and that all that was being committed at this time was the purchase of 4 buses. He said that the Transit Authority had had this program under consideration for some months, but now with

On Item 3, Councilman Morris moved to award the contract to Ticar Chemical Company, this motion was seconded by Vice-Mayor Marshall and carried unanimously.

On Item 4, Councilman Morris moved to award the contract to Moreland Chemical Company, this motion was seconded by Councilman Horton and carried unanimously.

Bid Summary

Bidder	Item #1 250,000 pounds Liquid Chlorine	Item #2 175,000 pounds Sodium Hexametaphosphate
Jones Chemicals, Inc.	$ 20,625.00	No Bid
Moreland Chemicals	20,625.00	$ 26,110.00
Howerton Gowen Chemicals	23,750.00	No Bid
Ticar Chemical Company	20,625.00	26,932.50
Calgon Corp.	No Bid	No Bid

Bidder	Item #3 425,000 pounds 50% Caustic Soda	Item #4 300,000 pounds Hydrofluosilicic Acid
Jones Chemicals Inc.	No Bid	$ 8,460.00
Moreland Chemicals	$ 9,923.75	8,460.00
Howerton Gowen Chemicals	No Bid	No Bid
Ticar Chemical Company	$ 9,732.50	$ 6,960.00 (Error in Bid
Calgon Corp.	No Bid	No Bid

RESOLUTION AUTHORIZING EXECUTION OF NEW AGREEMENT ESTABLISHING THE METROPOLITAN PLANNING BOARD OF ASHEVILLE-BUNCOMBE COUNTY.

8. Consideration was given to a resolution authorizing execution of new agreement establishing the Metropolitan Planning Board of Asheville-Buncombe County.

The City Manager presented the resolution.

Due to the already lengthy meeting and the business still to be considered, Councilman Colton moved to table this resolution until the meeting of January 17, 1974. This motion was seconded by Councilman Morris and carried unanimously.

ORDINANCE NO. 789 - ORDINANCE AMENDING ORDINANCE GRANTING FRANCHISE TO THOMS BROADCASTING COMPANIES, INC.

9. Further consideration was given to a request of Thoms Broadcasting Companies Inc. allowing them an increase in rates.

Mayor Wood noted for the public and the press, that prior to the meeting Thoms CATV had submitted a report to each member of Council, covering the issues raised at the December 20, 1973 Council meeting.

Thursday- January 3, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Eugene C. Ochsenreiter, Jr., Bill B. Horton, Henry E. Colton, Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of the meeting of December 20, 1973.

Upon motion of Councilman Hoyle, seconded by Councilman Morris, the minutes of the December 20, 1973 meeting were approved as submitted.

ORDINANCE NO. 789 - AN ORDINANCE AMENDING ORDINANCE GRANTING FRANCHISE TO THOMS BROADCASTING COMPANIES, INC.

2. Consideration was given to an ordinance amending ordinance granting franchise to Thoms Broadcasting Companies; Inc.

Council was furnished with copies of the ordinance and therefore the ordinance was not read in its entirety.

On a roll call vote of 6-0, Ordinance No. 789 passed on the second reading.

Councilman Colton stated that since the final passage of the ordinance had been delayed due to Council not meeting the previous week, he would move to suspend the charter requirements and proceed with the third and final reading at this time. Councilman Hoyle seconded this motion. Not receiving a unanimous voice vote, Mayor Wood instructed the City Clerk to call the roll. The motion passed 5 - 1 on the roll call vote, with Councilman Horton voting "no".

Upon a roll call vote of 6 - 0, Ordinance No. 789 passed on the third and final reading.

Complete text of Ordinance No. 789 will be found in Ordinance Book No. 6 at page 46.

ORDINANCE NO. 791- AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA (BILTMORE-CARIBOU ROAD AREA)

3. Consideration was given to an ordinance to extend the City Limits of the City of Asheville, North Carolina under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina (Biltmore-Caribou Road Area).

Corporation Counsel Robert J. Robinson presented the ordinance in its entirety.

Mr. Lloyd Kirk, 866 Hendersonville Road, opposed the annexation proposal and challenged the economic feasibility both from a high dollar cost and an energy consumption cost. He questioned the low budget figures presented by the Planning Department, particularly as they pertained to the cost of water and sewer installation. He also questioned the consumption of energy in the operation of police cars, garbage trucks and additional street lights. He asked if this was advisable in light of the energy crisis. He suggested that both the cost and energy consumption be reevaluated.

the energy crisis upon us it would certainly seem most timely.

Upon motion of Councilman Morris, seconded by Councilman Horton, Resolution No. 73-149 was unanimously adopted.

Complete text of Resolution No. 73-149 will be found in Resolution Book No. 7 at page 156.

PETITION FOR REZONING - 257 McDOWELL STREET

Consideration was given to a petition to rezone Lot 19-1/2, Ward 4, Sheet 12 from Neighborhood Trading Area to Institutional.

In the absence of an objection from other members of Council, Mayor Wood referred the petition to the Planning and Zoning Commission for review and recommendation.

MERCHANTS ASSOCIATION REQUEST FOR FREE PARKING

The City Manager submitted a letter he received from the Merchants Association requesting free on-street parking on December 26, 1973 beginning at 10:00 a. m.

Councilman Ochsenreiter moved to grant the request. This motion was seconded by Councilman Colton and carried unanimously.

COUNCIL MEETING CANCELLED

Mayor Wood adjourned the meeting with the announcement that Council would not meet on December 27, 1973.

Adjournment.

Richard N. Wood Jr.
MAYOR

William F. Mallett
CITY CLERK

FINAL SUBDIVISION PLAT - LOTS 26-27- CIVIC REDEVELOPMENT PROJECT N. C. R-13

5. Consideration was given to the approval of the final subdivision plat for Lots 26-27 of the Civic Redevelopment Project N. C. R-13.

Mr. Nick Kmetza, Director of Planning, read the report of the Planning and Zoning Commission recommending approval of the plat.

Mr. Wheeling, Housing Director, advised Council that the major change was in the drainage easements which was necessary to increase the developable area of the property.

Councilman Horton's motion to approve the plat was seconded by Councilman Hoyle and carried unanimously.

BIDS - UPGRADING ELECTRICAL SYSTEM IN THE CITY HALL BUILDING

6. Consideration was given to bids received December 28, 1973 for labor and materials in the upgrading of the electrical system for the City Hall Building.

The City Manager read a memorandum from the Purchasing Agent recommending the contract be awarded to the low bidder, M. B. Haynes Electric Company, in the amount of $56,359.00.

Councilman Ochsenreiter's motion to accept the low bid of M. B. Haynes Electric Company, in the amount of $56,359.00, was seconded by Vice-Mayor Marshall and carried unanimously.

Bid Summary

Bid Request #199 - upgrade electrical system in City Hall

Bidder	Bid
M. B. Haynes Electric Company	$ 56,359.00
Electrical Constructors of America	59,990.00
Hayes and Lunsford Electric Company	67,543.00
Asheville Electric Company	Bid received too late for 10:00 a. m. opening - received 10:08

BIDS - MISCELLANEOUS ITEMS FOR THE ASHEVILLE CIVIC CENTER

7. Consideration was given to bids received December 17, 1973 for tables, chairs, lockers, cabinets, safe and shelving for the Asheville Civic Center.

The City Manager in presenting the bids for Item Nos. 1 - 15, read a memorandum from the Purchasing Agent who, with the concurrence of the Civic Center Manager, recommended the low bidder for each item except Item No. 15. In the case of Item No. 15, it was explained that the low bid was recommended even though the bidder did not meet specifications, the deviation from the specifications being in the thickness of the cushion in the seat. After some discussion, Mayor Wood instructed the Purchasing Agent to rebid this item using an alternate specification on the thickness of the seat cushions.

In the discussion of services to the annexed areas, Councilman Ochsenreiter suggested a five (5) year program to pave all unpaved streets in the City. He asked that a breakdown of the unpaved streets be prepared for Council.

Councilman Morris moved for the adoption of Ordinance No. 791 setting the effective date of 12:01 o'clock a. m., Monday, June 24, 1974. This motion was seconded by Councilman Ochsenreiter. In the discussion, Councilman Horton asked that the water and sewer costs reflected in the plan be reviewed and a breakdown prepared for Council.

On a roll call vote of 6-0, Ordinance No. 791 was passed on the first reading.

ORDINANCE NO. 792 - AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA (EMMA AREA)

4. Consideration was given to an ordinance to extend the City Limits of the City of Asheville, North Carolina under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina. (Emma Area)

Corporation Counsel Robert J. Robinson presented the ordinance in its entirety.

Mr. Wayne Kinser, owner of Hilton Inn, spoke in opposition to the annexation. He questioned the low density of population factor and whether or not the area would even be considered if it were not for the number of industrial plants. In answer to his question regarding the city's failure to extend services as proposed, he was advised by the Corporation Counsel that should this occur the property owners could seek relief from the courts and force the city to comply. He said when he was considering the development of the Hilton Inn Complex, he was led to believe that the annexation would not be considered for at least 5 years. Later he said he was informed that with the advent of Revenue Sharing the scheduling was revised. He questioned whether this was a wise use of Revenue Sharing.

Mrs. Glen Mays, 83 Oak Hill Drive, opposed the annexation in behalf of her mother and father who live on N. Louisiana Avenue. She questioned the extension of services to the new area since the section she lives in still does not have adequate services. She said the Oak Hill area does not have adequate water and sewereservices.

Mayor Wood requested the City Manager to investigate the water and sewer situation and to report back to Council next week.

Mrs. Lloyd Hunter, N. Louisiana Avenue, also opposed the annexation and questioned the extension of services. Mayor Wood informed her that the courts could force the city to comply. She was not satisfied that theservices the City had to offer was worth the increase in taxes.

Councilman Colton moved for the adoption of Ordinance No. 792, setting the effective date for 12:01 o'clock a. m. on Monday, June 24, 1974. This motion was seconded by Councilman Hoyle. On a roll call vote of 6-0, Ordinance No. 792 passed on the first reading.

from the Contingency fund to the Aviation Department Capital Outlay Fund. He said the transfer would require an amendment to the budget ordinance which he would present if Council accepted the FAA grant.

Councilman Ochsenreiter's motion to adopt the resolution was seconded by Councilman Morris and carried unanimously.

Complete text of Resolution No. 74-1 will be found in Resolution Book No. 7 at page 157.

ORDINANCE NO. 790 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1973-74

9. Consideration was given to an ordinance amending the Operating Budget of the City of Asheville for the fiscal year 1973-74.

The City Manager presented the ordinance.

Councilman Morris's motion for adoption was seconded by Vice-Mayor Marshall. On a roll call vote of 6-0, Ordinance No. 790 passed on the first reading.

Councilman Morris moved that the Charter requirements be suspended and Council proceed to the second reading. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 790 passed on the second reading.

Councilman Hoyle then moved that the Charter requirements be suspended and Council proceed to the third reading. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 790 passed on the third and final reading.

Complete text of Ordinance No. 790 will be found in Ordinance Book No. 6 at page 48.

RESOLUTION NO. 74-2 - RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT FOR ENGINEERING SERVICES FOR STREET IMPROVEMENTS AND THE RECONSTRUCTION OF CARROLL AVENUE BRIDGE

10. Consideration was given to a resolution authorizing the City Manager to negotiate a contract for engineering services for street improvements and the reconstruction of Carroll Avenue Bridge.

The City Manager presented the resolution.

Upon motion of Councilman Colton, seconded by Councilman Horton, Resolution No. 74-2 was unanimously adopted.

Complete text of Resolution No. 74-2 will be found in Resolution Book No. 7 at page 158.

Councilman Morris's motion to accept the recommendations of the Purchasing Agent for items 1 - 14, was seconded by Vice-Mayor Marshall and carried unanimously.

Bid Summary

Bid Request #196 - Tables, chairs, lockers, cabinets, safes, and shelving for the Asheville Civic Center

Item	Bidders				
	Burkhart Interiors	Standard Theater Supply	Talmans Office Supply	Wight's Business Machines	Morgan Brothers
#1- 200 tables 30 x 96 x 29	$-7,738.50	$6,399.00	$6,110.00	$6,396.18	$7,460.00
#2- 40 round tables 5' diameter	2,668.05	1,999.00	1,909.60	1,998.86	2,612.00
#3- 20 tables 24 x 96 x 29	773.85	640.00	611.00	639.62	No Bid
#4- 2,000 folding chairs	8,431.50	7,678.00	7,480.00	7,165.48	8,800.00
#5- 8 Stools	317.10	504.00	504.80	335.46	No Bid
#6- 12 Backless Stools	100.76	87.40	92.04	87.30	No Bid
#7- 5 Round tables Storage Caddies	362.25	232.00	221.50	231.83	333.50
#8- 17 Rectangular Caddies	1,086.75	658.00	628.15	657.45	1,042.10
#9- 8 Locker Benches	No Bid	312.00	421.44	311.59	No Bid
#10- 48 Lockers	1,569.75	1,435.00	1,091.44	1,472.21	No Bid
#11- 10 Cabinets with doors	808.50	789.00	731.16	731.02	No Bid
#12- 2 Safes	2,134.23	No Bid	2,458.58	2,211.07	No Bid
#13- 1 Utility table	119.96	79.50	59.16	59.61	No Bid
#14- 25 Shelves	1,128.75	1,470.00	1,173.73	1,787.59	No Bid
#15- 400 Portable Auditorium Seats	No Bid	No Bid	10,084.20	5,385.10	No Bid

RESOLUTION NO. 74-1 - RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING, AND RATIFYING THE EXECUTION OF GRANT AGREEMENT FOR PROJECT NO. 8-37-0005-01 BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF ASHEVILLE

8. Consideration was given to a resolution authorizing, adopting, approving, accepting and ratifying the execution of grant agreement for Project No. 8-37-0005-01 between the United States of America and the City of Asheville.

The City Manager, after presenting the resolution, explained that the grant being offered was the FAA's share to provide for the construction of improvements to the taxiways and ramps at the Airport. He said the City's share was to be funded from the boarding tax already collected, an anticipated $100,000 grant from the N. C. State Department of Transportation and the remainder to be transferred

PETITION TO CLOSE ALLEY - WARD 9, SHEET 6, LOTS 469-1/4 AND 470-1/4

The City Manager advised Council that he had received a petition from J. W. Tresner and wife to close an unnamed alley adjacent to their property in Ward 9, Sheet 6, Lots 469-1/4 and 470-1/4. He told Council if they wished to consider the closing of this alley it would be necessary to pass a resolution setting a public hearing on the question and that if it was Council's wish he was prepared to present the resolution at this time. On instructions from Mayor Wood he proceeded with the presentation of the following resolution.

RESOLUTION NO. 74-3 - RESOLUTION OF INTENT TO CLOSE ALLEY AND CALLING A PUBLIC HEARING ON THE QUESTION

Councilman Colton moved for the adoption of the resolution setting the date of the publid hearing for February 14, 1974. This motion was seconded by Councilman Morris and carried unanimously.

Councilman Colton requested that the Planning Department investigate the alley closing and present a staff report at the public hearing.

Complete text - Resolution Book No. 7 at page 159

ON STREET PARKING PERMITTED ON SATURDAYS

Councilman Hoyle presented a request in the form of a motion that free on-street parking be permitted in downtown Asheville each Saturday for the remainder of 1974. He said the merchants had reported excellent results from the previous free parking days.

Several Councilmen felt that a starting time of 10:00 a. m. should be set to avoid employee abuse.

After Councilman Hoyle accepted the 10:00 a. m. starting time, Councilman Ochsenreiter seconded his motion and it was unanimously adopted.

Adjournment.

Richard D. Wood, Jr.
MAYOR

William S. McCarty
CITY CLERK

The City Staff is in the process of reviewing cost figures for the proposed South Biltmore and Emma annexations under consideration by the Council. This review will not be complete in time for Thursday's Council meeting. In the absence of other scheduled items for consideration, there will be no meeting on January 10, 1974 of the City Council.

Today the City Council will consider the adoption of a resolution giving notice of Council's intention to make application to the Local Government Commission for the approval of $8,250,000 water bonds. The funds from the sale of the bonds will be used for Water Quality Improvements - Phase I and Water Quality Improvements - Phase II with a net estimated cost of $6,186,000.

There is also a need for water distribution system improvement funds in the amount of $2,064,000. These funds will be used for increasing line capacities in areas with substandard pressure and for the City's share of the cost of relocating water lines for the connector between the Beaucatcher Open Cut and the I-40 Connector. After applying the Clean Water Bond Act to the above amounts there is a net total for bonds in the amount of $8,250,000. If the Council adopts this resolution of intent to file application for the approval of the bonds then the proceedings set forth by the Local Government Commission as required by law will set a bond election on April 6. The election must be held during the Spring of this year in order not to delay the beginning of construction of Phase I of the Water Quality Improvements. The citizens of Asheville will vote on the bonds and the bonds will be general obligations bonds. However, debt service on the bonds would be paid from receipts of the water system. The Local Government Commission has prepared a recommended maturity schedule for the bonds which provides for payment over a period of twenty two years, with principal repayments beginning in Fiscal Year 1976-77.

RESOLUTION NO. 74-4 - RESOLUTION DIRECTING THE CITY CLERK TO CAUSE TO BE PUBLISHED A NOTICE OF INTENT TO APPLY TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF BONDS

3. Consideration was given to a resolution directing the City Clerk to cause to be published a notice of intent to apply to the Local Government Commission for approval of bonds.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 74-4 was unanimously adopted.

Complete text of Resolution No. 74-4 will be found in Resolution Book No. 7 at page 161.

APPOINTMENT OF WILLIAM E. EDENS - DIRECTOR OF WATER AND SEWER SERVICES

4. City Manager Ernest J. Ward announced the appointment of William E. Edens as the Director of Water and Sewer services effective February 18, 1974.

ORDINANCE NO. 791 - AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA (BILTMORE-CARIBOU ROAD AREA)

5. Consideration was given to the second reading of Ordinance No. 791, an ordinance to extend the City Limits of the City of Asheville, North Carolina under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina (Biltmore-Caribou Road area).

Thursday - January 17, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Eugene C. Ochsenreiter, Jr., Bill B. Horton, Henry E. Colton, Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of the January 3, 1974 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, the minutes of the January 3, 1974 meeting were approved as submitted.

WATER BONDS NEWS RELEASE

2. Mayor Wood announced that the City of Asheville was going to file an application to the Local Government Commission for the approval of $8,250,000 Water Bonds for improvements to the Asheville Water System. He then read the following news release:

January 17, 1974

NEWS RELEASE

FROM: MAYOR RICHARD A. WOOD, JR.

On December 14, 1972 the City Council adopted a resolution authorizing an application for a state grant under the Clean Water Bond Act of 1971. The resolution stated that the City of Asheville has a need for water treatment facilities to improve water quality of the Asheville water system which include chemical feed systems, monitoring and controls, reservoir protection and filtration facilities.

On February 15, 1973, the City Council adopted a resolution authorizing the City Manager to enter into a contract with a consulting engineer for design and preparation of plans and specifications for the above improvements.

The consulting engineers submitted estimates for proposed improvements divided into two phases: Phase I - Chemical Feed, Laboratory and Monitoring, Reservoir Covers and Repair, $1,236,000; and Phase II - Filtration Plant, $6,450,000 for a total of $7,686,000.

Plans and specifications have been completed for Phase I and approved by the State Board of Health. Plans and specifications for Phase II are now in preparation.

In July of 1973 the City and the County entered into an agreement in which the City accepted responsibility for water quality and supply and the County accepted responsibility for extension of water lines outside the corporate limits of the City. Following the execution of this agreement the State Board of Health approved the City's application for $1,500,000 in Clean Water Bond Act funds. The time schedule for Phase I calls for construction to begin this spring with a completion date of late 1974 or early 1975. The completion of the filtration facilities is scheduled for July of 1976.

The City Manager presented the resolution.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 74-5 was unanimously adopted.

Complete text of Resolution No. 74-5 will be found in Resolution Book No. 7 at page 162.

Vice-Mayor Marshall having been excused by Mayor Wood was not present for the vote on this resolution. He returned however, before the consideration of further business.

RESOLUTION NO. 74-6 - RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION FOR CONTINUED FEDERAL FINANCIAL ASSISTANCE OF THE COMMUNITY SERVICES PROJECT OF THE ASHEVILLE POLICE DEPARTMENT.

8, Consideration was given to a resolution authorizing the Mayor to file an application for continued Federal financial assistance of the Community Services Project of the Asheville Police Department.

The City Manager presented the resolution.

Police Chief J. C. Hall explained that the federal grant referred to in the resolution was to assist in the financing of community service projects now being carried on by the Police Department.

Councilman Ochsenreiter was excused by Mayor Wood at 3:34 o'clock p. m. and was not present for the vote on Resolution No. 74-6. He returned to his seat before consideration of further business by Council.

Upon motion of Councilman Hoyle, seconded by Councilman Horton, Resolution No. 74-6 was unanimously adopted.

Complete text of Resolution No. 74-6 will be found in Resolution Book No. 7 at page 163.

MAYOR WOOD ANNOUNCED ADDITIONAL MODEL CITIES FUNDS

Mayor Wood announced that he had been advised by the Department of Housing and Urban Redevelopment that $198,700 additional Model Cities funds was being made available for present programs.

RESOLUTION NO. 74-7 - RESOLUTION AUTHORIZING EXTENSION OF RIVERSIDE PARK AND RELOCATION PROJECTS OF THE FIRST ACTION YEAR; AND CONSOLIDATED HEALTH PROJECT FOR THE BLIND AND SICKLE CELL DISEASE SCREENING PROJECT OF THE SECOND ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

9. Consideration was given to a resolution authorizing extension of Riverside Park and Relocation Projects of the First Action Year; and Consolidated Health Project for the Blind and Sickle Cell Disease Screening Project of the Second Action Year Comprehensive City Demonstration Program.

Mayor Wood noted that since the first reading of the ordinance the cost of providing the required services to the area had been restudied by the Water Department and the Finance Department. He said that some increases were indicated particularly as it pertained to the installation of the water and sewer lines. He called on Mr. Larry Fisher, Finance Director, who advised the Council that the cost of providing the water and sewer service to this area (South Biltmore-Caribou Road area) would cost $75,231.90 compared to the original estimate of $34,857.00. Most of this increase he said was in the labor cost which was not considered in the original estimate.

On a roll call vote of 6-0, Ordinance No. 791 passed on the second reading.

ORDINANCE NO. 792 - AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA (EMMA AREA).

6. Consideration was given to the second reading of Ordinance No. 792, an ordinance to extend the City Limits of the City of Asheville, North Carolina under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina (Emma Area).

Larry Fisher, Finance Director, reviewed the revised cost estimates for extending services to this area and advised Council that the new estimate for the water and sewer extensions was $178,897.95 compared to the original estimate of $61,277. He said that the $75,000 estimated cost of extending the fire protection included only the cost of a new ladder truck and that an additional $100,000 for manpower would be needed to man this new piece of equipment. Council, under the impression that a new ladder truck was required for West Asheville regardless of their decision to annex the Emma Area, was advised by Fire Chief Ball that a new truck was not required under AIA regulations unless the coverage area was increased by the annexation.

Wayne Kinser, developer of the Smoky Mountain Hilton complex, briefly expressed his opposition to the proposed annexation.

On inquiry, Mr. Fisher said that using the revised cost estimates it was his opinion that it would take nine (9) years for the City to reach the "payout" point. In answer to Councilman Colton's question, he said that if the cost of the ladder truck was not included it would probably pay out in three (3) years.

On a roll call vote of 5 - 1, Ordinance No. 792 failed to pass on the second reading. Councilman Colton voted "aye" and Mayor Wood did not vote.

RESOLUTION NO. 74-5 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH IMPERIAL LAND CORPORATION CONCERNING WATER MAINS EXTENDING EASTERLY FROM SECTIONS 1 AND 2 OF BOTANY WOODS SUBDIVISION TO SERVE SECTION 5 OF SAID SUBDIVISION, SWANNANOA TOWNSHIP, BUNCOMBE COUNTY.

7. Consideration was given to a resolution authorizing the Mayor to enter into agreement with Imperial Land Corporation concerning water mains extending easterly from Sections 1 and 2 of Botany Woods subdivision to serve Section 5 of said subdivision, Swannanoa Township, Buncombe County.

REZONING REQUEST - MR. RICHARD FORESTER - HAZEL MILL ROAD

13. Consideration was given to a recommendation of the Planning and Zoning Commission relative to the request of Mr. Richard Forester that Lots 365, 365-1/4, 365-1/2, 450, 456, and 457, Ward 6, Sheet 16 be rezoned from RA-6 Residential to Roadside Business. The Commission's recommendation was that the request be denied and that the property remain as it is now zoned.

Mr. Richard Forester appeared before Council and requested that Council proceed with the public hearing.

Councilman Horton moved that a public hearing on the rezoning matter be held on February 7, 1974 and that the required legal advertisement be made at the petitioner's expense. This motion was seconded by Councilman Hoyle and carried unanimously.

REZONING REQUEST - DRS. KELLER AND MAUNEY - 257 McDOWELL STREET

14. Consideration was given to a recommendation of the Planning and Zoning Commission relative to the request of Drs. C. A. Keller and F. M. Mauney that Lot 19-1/2, Sheet 12, Ward 4 be rezoned from Neighborhood Trading Area to Institutional District. The Commission's recommendation was that the request be approved.

Councilman Ochsenreiter moved that a public hearing on the rezoning matter be held on February 7, 1974 and the required legal advertisement be made at the petitioner's expense. This motion was seconded by Councilman Colton and carried unanimously.

PETITION - REZONING REQUEST OF SHUFORD H. AND DELORES A. HALL - ARLINGTON

15. The City Manager presented a petition from Mr. and Mrs. Shuford H. Hall that Lots 7, 9-1/2, 10-1/2, and 97, Ward 2, Sheet 17 be rezoned from RA-9 Residential to RA-M Residential.

In the absence of an objection from other members of Council, Mayor Wood referred the petition to the Planning and Zoning Commission for review and recommendation.

RESOLUTION NO. 74-11 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RELEASE FOR DAMAGES TO CARROLL AVENUE BRIDGE

16. Consideration was given to a resolution authorizing Mayor to execute release for damages to Carroll Avenue Bridge.

The City Manager presented the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, Resolution No. 74-11 was unanimously adopted.

Complete text of Resolution No. 74-11 will be found in Resolution Book No. 7 at page 173.

The City Manager presented the resolution.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 74-7 was unanimously adopted.

Complete text of Resolution No. 74-7 will be found in Resolution Book No. 7 at page 164.

RESOLUTION NO. 74-8 - RESOLUTION AMENDING THE SENIOR OPPORTUNITIES PROJECT OF THE THIRD ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

10. Consideration was given to a resolution amending the Senior Opportunities Project of the Third Action Year Comprehensive City Demonstration Program.

The City Manager presented the resolution.

Upon motion of Councilman Horton, seconded by Councilman Hoyle, Resolution No. 74-8 was unanimously adopted.

Complete text of Resolution No. 74-8 will be found in Resolution Book No. 7 at page 166.

RESOLUTION NO. 74-9 - RESOLUTION AMENDING THE "TEACHER AIDE PROJECT" OF THE THIRD ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

11. Consideration was given to a resolution amending the "Teacher Aide Project" of the Third Action Year Comprehensive City Demonstration Program.

The City Manager presented the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Colton, Resolution No. 74-9 was unanimously adopted.

Complete text of Resolution No. 74-9 will be found in Resolution Book No. 7 at page 169.

RESOLUTION NO. 74-10 - RESOLUTION AWARDING CONTRACTS FOR STRENGTHENING OF TAXIWAYS AND APRON AT THE ASHEVILLE AIRPORT

12. Consideration was given to a resolution awarding contracts for strengthening of taxiways and apron at the Asheville Airport.

The City Manager presented the resolution and Council examined the bid sheets prepared by Talbert and Cox Associates, the consulting engineers for the project. They recommended that Asheville Paving Company and Warren Brothers Company as a joint venture be awarded the paving contract in the amount of $894,830.45 and Hayes and Lunsford Electric Company be awarded the electrical contract in the amount of $60,617.00.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall, Resolution No. 74-10 was unanimously adopted.

Complete text of Resolution No. 74-10 will be found in Resolution Book No. 7 at page 172.

from the public on conservation methods that would be of benefit to the community.

Mr. Ward advised Council that he had investigated the possibility of cutting out every other street light in the business district but that he was informed by the Carolina Power and Light Company that this could not be done due to the central switching method used to cut the lights on and off. He said he would not advise reducing the lighting in the residential area. In other areas he said the City was practicing good conservation methods in the reduction of temperatures in all the City buildings. This he said had shown a marked reduction in the consumption of electricity, gas, and fuel oil. He said that restrictions set up for the use of City vehicles showed a 10% decrease in gasoline in November and a 11% decrease for the month of December.

Adjournment.

Richard A. Wood Jr.
MAYOR

William F. Hecht Jr.
CITY CLERK

BIDS - ONE (1) COMPACTOR FOR SANITARY LANDFILL

17. Consideration was given to bids received October 17, 1973 for one compactor for use at the Sanitary Landfill.

The City Manager read a memorandum from the Purchasing Agent who advised that only one bid was received on the first request, but that legal requirements were followed and a second request was made to furnish this item. E. F. Craven Co. submitted the only bid at this time in the amount of $69,425.00. Both the Director of Public Works and the Purchasing Agent recommended the acceptance of this bid. The City Manager said that $32,500 was budgeted in the 1973-74 budget to purchase this item and that the remainder would be budgeted in the 1974-75 budget. This arrangement he said was acceptable to the E. F. Craven Company.

Councilman Morris moved that E. F. Craven Company be awarded the contract in the amount of $69,425.00. This motion was seconded by Councilman Colton and carried unanimously.

Bid Summary

Second Bid Request #188 - One (1) Compactor for Sanitary Land Fill

Bidder		Bid	
E. F. Craven Company		$69,425.00	with heavy duty cleats
	Alternate:	$68,324.02	with normal cleats

J. R. McMAHAN RETIREMENT
GEORGE PHIPPS TO ASSUME DUTIES

18. The City Manager recognized J. R. McMahan and advised Council that this was his last day of work as Purchasing Agent as he was retiring after many years service to the City of Asheville. He announced that George Phipps would assume Mr. McMahan's duties as Purchasing Agent.

Mayor Wood expressed the thanks of this Council and a number of preceding Councils for work he had done. Councilman Morris moved that this thought be put in form of a motion, which was seconded by Councilman Colton and passed unanimously.

PROCLAMATION - JAYCEE WEEK - JANUARY 20 - 26, 1974

19. Mayor Wood proclaimed the week of January 20 - 26, 1974 as Jaycee Week and urged all citizens of the community to give full regards to the past services of the Asheville Jaycees.

COUNCILMAN HORTON -

20. On inquiry of Councilman Horton, Council was advised that the recent citizens complaint of inadequate water service in the Oak Hill Road area had been investigated and that plans had been approved and the work scheduled to improve the service in this area.

Councilman Horton called on the City Manager to comment on what the City was doing to conserve energy in lieu of the present crisis. He said he thought that such comment would be enlightening to the general public. He called particular attention to the downtown street lights and what could be done to conserve on this use of energy. He said he thought that the Council should be open to any suggestions

RESOLUTION NO. 74-12 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR ARCHITECT SERVICES WITH SIX ASSOCIATES, INC. TO MAKE ALTERATIONS AND ADDITIONS TO LIVINGSTON STREET SCHOOL

3. Consideration was given to a resolution authorizing the City Manager to enter into a contract for architect services with Six Associates, Inc. to make alterations and additions to Livingston Street School.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 74-12 was unanimously adopted.

Complete text of Resolution No. 74-12 will be found in Resolution Book No. 7 at page 174.

RESOLUTION NO. 74-13 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES LISTED BELOW (56 and 72 Clemmons Street, 3 Higgins Place and 76 Pine Street)

4. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish those dwelling houses known as 56 and 72 Clemmons Street, 3 Higgins Place and 76 Pine Street.

The City Manager read the resolution.

Councilman Ochsenreiter moved for the adoption of the resolution and set the public hearing for February 14, 1974. This motion was seconded by Councilman Colton and was unanimously adopted.

Complete text of Resolution No. 74-13 will be found in Resolution Book No. 7 at page 175.

RESOLUTION NO. 74-14 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH HERITAGE, INCORPORATED, CONCERNING WATER MAINS EXTENDING NORTHERLY AND WESTERLY FROM U. S. HIGHWAY 74 TO SERVE FOX RUN SUBDIVISION, FAIRVIEW TOWNSHIP, BUNCOMBE COUNTY

5. Consideration was given to a resolution authorizing the Mayor to enter into agreement with Heritage, Incorporated, concerning water mains extending northerly and westerly from U. S. Highway 74 to serve Fox Run Subdivision, Fairview Township, Buncombe County.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Horton, Resolution No. 74-14 was unanimously adopted.

Complete text of Resolution No. 74-14 will be found in Resolution Book No. 7 at page 177.

ORDINANCE NO. 793 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1973-74

6. Consideration was given to an ordinance amending the operating budget of the City of Asheville for the fiscal year 1973-74.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Eugene C. Ochsenreiter, Jr., Bill B. Horton, Henry E. Colton, Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of the January 17, 1974 meeting.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Colton, the minutes of the January 17, 1974 meeting were approved as submitted.

ORDINANCE NO. 791 - AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF ASHEVILLE NORTH CAROLINA UNDER THE AUTHORITY GRANTED BY PART 3, ARTICLE 4A, CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA (BILTMORE-CARIBOU ROAD AREA)

2. Consideration was given to the third and final reading of Ordinance No. 791, an ordinance to extend the City Limits of the City of Asheville, North Carolina under the authority granted by Part 3, Article 4A, Chapter 160A of the General Statutes of North Carolina (Biltmore-Caribou Road area).

Mayor Wood stated that unless there was a specific request, the ordinance having already been read in its entirety would not be reread at this time.

Mr. Lloyd Kirk, 866 Hendersonville Road, speaking in opposition to the annexation presented some financial statistics in an effort to show that the South Biltmore "payout" would take 12 years instead of the City's estimate of 4 or 5 years. He cited the interest in financing the Fire Station and the cost of garbage collection as costs not considered in the City's financial analysis. It was pointed out that very little extra expense was anticipated in the garbage collection and that the fire station would be constructed regardless of the annexation.

Councilman Horton brought before Council the question of the six month tax levy for this area if it were annexed on June 24, 1974. He said there had been considerable confusion among the residents of the recently annexed Oteen area as to whether they were being taxed for six (6) months before they were actual residents of the City. He said he anticipated similiar confusion in the case of the Biltmore area if it were annexed. He thought this point should be cleared up and he requested the Corporation Counsel to research the statutes and present an opinion to Council as to whether or not they had the perogative of taxing the newly annexed area on a pro rata basis from the date of annexation rather than from the first day of the calendar year.

On a roll call vote of 6 - 0, Ordinance No. 791 was passed on the third and final reading.

Complete text of Ordinance No. 791 will be found in Ordinance Book No. 6 at page 50.

RESOLUTION NO. 74-16 - RESOLUTION REAPPOINTING BRETNEY SMITH AS COMMISSIONER NUMBER TWO OF THE SINKING FUND COMMISSION FOR BUNCOMBE COUNTY

9. Consideration was given to a resolution reappointing Bretney Smith as Commissioner Number Two of the Sinking Fund Commission for Buncombe County, for a term of five (5) years beginning January 1, 1974.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 74-16 was unanimously adopted.

Complete text of Resolution No. 74-16 will be found in Resolution Book No. 7 at page 179.

STREET LIGHTING - WEST ASHEVILLE

The City Manager reported to Council that the Carolina Power and Light Company had been authorized to upgrade street lighting on Haywood Road between Michigan Avenue and Mitchell Avenue, with the installation of eighty-four 47,000 Lumen Sodium Vapor street lights. He said this would upgrade this section about two and one-half times.

PARKING - BILTMORE VILLAGE

Mr. Gary Warren, representing the employees of the Biltmore Plaza Office Building, presented a petition requesting that the parking in Biltmore Village be adjusted so as to increase the number of spaces available to the all day parker. The petition requested the removal of the two hour limit on Boston Way, the removal of the pay meters on Kitchen Place and the provision of a City Parking Lot.

Mayor Wood explained that the restricted parking recently put into effect was the result of a request from the business firms in the village that more customer prarking be provided.

Mr. Warren presented a long list of statistics on the number of spaces available to people doing business in the area as well as those available to office workers who park all day.

Mayor Wood suggested that Mr. Warren furnish the City Manager with the figures that he had worked up and he instructed the City Manager to use these figures in an effort to work out a balance between the customer parking and the all day parking in this area.

SENIOR CITIZENS

A group of citizens including Mrs. Roy Rogers, Mr. Virgil Sturgil, Mrs. Jarrett, Mr. Carl Johnson and Mr. James Gray individually appealed to Council in behalf of the Senior Citizens Opportunity Program. This program now being funded under Model Cities is housed in the building previously occupied by the Employment Security Commission Office at 36 S. Grove Street. Each speaker stressed the value of the program to the Senior Citizens and the community and asked Council to give every consideration to appropriating funds for its continuance after the phasing out of Model Cities in June of 1974. Particular emphasis was placed on the City obtaining the ownership of the building which is now being leased, suggesting that Revenue Sharing Funds be used for this purpose.

The City Manager read the ordinance and explained that there was a need for certain goods and services not budgeted, He requested a transfer of funds to cover these items from the Revenue Sharing Trust Fund. He also requested that the ordinance be given three readings at this time.

Councilman Colton moved for the adoption of the ordinance, which was seconded by Councilman Hoyle.

On a roll call vote of 6 - 0, Ordinance No. 793 passed on its first reading.

Councilman Morris moved that the Charter requirements be suspended and Council proceed to the second reading. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

On a roll call vote of 6 - 0, Ordinance No. 793 passed on its second reading.

Councilman Ochsenreiter then moved that the Charter requirements be suspended and Council proceed to the third reading. This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote of 6 - 0, Ordinance No. 793 passed on its third and final reading.

Complete text of Ordinance No. 793 will be found in Ordinance Book No. 6 at page 54.

PETITION FOR REZONING - WILLIE ETHEL R. MAUNTNEY - GLENDALE AVENUE

7. The City Manager presented a petition he received from Mrs. Willie Ethel R. Mountney of 1 Clearbrook Drive requesting the rezoning of Lots 226 and 227, Ward 7, Sheet 16.

In the absense of an objection from other members of Council, Mayor Wood referred the petition to the Planning and Zoning Commission for review and recommendation. He asked that in making this review that other property in the area be investigated keeping in mind the possibility of future implementation of the Floodway Control Regulations.

RESOLUTION NO. 74-15 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE CONTRACT FOR THE SOUND REINFORCING SYSTEM FOR THE ASHEVILLE CIVIC CENTER AUDITORIUM

8. Consideration was given to a resolution authorizing Mayor to execute contract for the sound reinforcing system for the Asheville Civic Center Auditorium.

The City Manager presented the resolution and read a letter from Baber, Cort and Wood, Architects for the Civic Center, who reported taking the bids for the Sound Reinforcing System for the Asheville Civic Center Auditorium. Of the three bids received Oliver Electronics was the low bidder at $27,990 and the architects recommended the award of the contract to this firm.

Councilman Morris moved that Oliver Electronics be awarded the contract in the amount of $27,990. This motion was seconded by Councilman Hoyle and carried unanimously.

Complete text of Resolution No. 74-15 will be found in Resolution Book No. 7 at page 178.

Thursday - January 31, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Bill B. Horton, Henry E. Colton, Corporation Counsel Robert J. Robinson, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Calvin W. Marshall, Councilman Eugene C. Ochsenreiter, Jr. City Manager Ernest J. Ward, Jr.

1. Approval of minutes of the January 24, 1974 meeting.

Upon motion of Councilman Morris, seconded by Councilman Horton, the minutes of the January 24, 1974 meeting were approved as submitted.

EAST RIVERSIDE URBAN RENEWAL PROJECT N. C. R-48 - APPROVAL OF SALE- PARCEL NO. 28-15 AND 28-16

2. Consideration was given to the approval of sales in the East Riverside Urban Renewal Project N. C. R-48 of Parcel No. 28-15 and 28-16.

Mr. Will King, Director of Urban Renewal, reported to Council that Mr. Lacy T. Haith has submitted a bid to purchase these lots and proposed to construct two single-family residences, with each structure to contain 1,000 sq. ft. of living area at an estimated sales price of $16,000 to $17,000. Mr. Haith bid the approved minimum price of $1,500 for each lot.

Councilman Morris moved to approve the sale of Parcel No. 28-15 and 28-16 in the East Riverside Urban Renewal Project N. C. R-48 to Lacy T. Haith for $1,500 for each lot. This motion was seconded by Councilman Colton and unanimously adopted.

RESOLUTION NO. 74-17 - RESOLUTION AUTHORIZING THE INCREASE IN THE FUNDING LEVEL OF THE MODEL CITIES THIRD ACTION YEAR COMMUNITY DEVELOPMENT PROJECT FUND

3. Consideration was given to a resolution authorizing the increase in the funding level of the Model Cities Third Action Year Community Development Project Fund.

The Assistant City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 74-17 was unanimously adopted.

Complete text of Resolution No. 74-17 will be found in Resolution Book No. 7 at page 180.

BIDS - TRUCKS, PACKER BODY AND BRUSH CHIPPER

4. Consideration was given to bids received January 28, 1974 for eighteen (18) trucks, one (1) enclosed hydraulic packer body, and one (1) brush chipper for various departments of the City.

MIKE THASHER - COMPLAINTS

Mike Thasher called Councils attention to a pile of trash in the rear of a store building at Valley and Eagle Streets and asked that it be picked up. He also asked that a broken sidewalk at the same address be repaired.

Mayor Wood instructed the City Manager to look into the complaints of Mr. Thasher.

Adjournment.

Richard A. Wood
MAYOR

Miriam D. Holcomb
CITY CLERK

Item # 6 - 2 Pick-Up Trucks for Parks and Recreation Department

Bidder	Bid
Matthews Motors, Inc.	$ 6,461.16
Asheville International Truck Sales	6,648.98
Dorato Motors, Inc.	6,842.30
Appletree Chevrolet	6,533.36

Item # 7 - 1 Pick-Up for Parks and Recreation Department

Bidder	Bid
Matthews Motors, Inc.	$ 3,569.23
Asheville International Truck Sales	3,791.36
Dorato Motors, Inc.	3,844.51
Appletree Chevrolet	3,908.08

Item # 8 - 1 Cab and Chassis for Park and Recreation Department

Bidder	Bid
Matthews Motors, Inc.	$ 6,777.78
Asheville International Truck Sales	6,705.78
Dorato Motors, Inc.	7,226.47
Appletree Chevrolet	7,963.23

Item # 9 - 1 Pick-Up Truck for Police Department for Dog Wardens

Bidder	Bid
Matthews Motors, Inc.	$ 2,773.50
Asheville International Truck Sales	2,940.27
Dorato Motors, Inc.	3,003.73
Appletree Chevrolet	3,140.67

Item # 10 - 1 Cab and Chassis with 12 foot hydraulic platform body for Sanitation Dept.

Bidder	Bid
Matthews Motors, Inc.	$ 5,104.52
Asheville International Truck Sales	5,323.36
Dorato Motors, Inc.	5,735.71
Appletree Chevrolet	6,202.02

Item # 11 - 1 Tilt Cab and Chassis for Sanitation Dept.

Bidder	Bid	
Matthews Motors, Inc.	$ 9,848.38	
Asheville International Truck Sales	8,553.66	
Suburban Sanitation Service	19,220.32	Includes Item 12 below

The Assistant City Manager read a memorandum from George Phipps, Purchasing Agent, which outlined a comparison of the Bid Prices and the budgeted amounts for each item. Mr. Phipps recommended the acceptance of the low bidder for each item and stated that all requisitioners concurred in his recommendation.

Councilman Colton moved to accept the low bid for each item and award the contracts as follows: Appletree Chevrolet for Item 1 in the amount of $7,871,16; Matthews Motors, Inc. for Items 2, 3, 4, 5, 6, 7, 9, and 10 in the amount of $44,458.06; Asheville International Truck Sales for Items 8 and 11 in the amount of $15,259.44; Quality Equipment and Supply Company for Item 12 in the amount of $7,048.81 and Safety Test and Equipment Company for Item 13 in the amount of $4,357.60. This motion was seconded by Councilman Horton and carried unanimously.

Bid Summary

Bid Request #200 - Eighteen (18) trucks, one (1) enclosed hydraulic Packer Body, and One (1) Brush Chipper

Item # 1 - 3 Pick-Up Trucks for Meter Reading Dept.

Bidder	Bid
Matthews Motors, Inc.	$7,901.67
Asheville International Truck Sales	8,179.75
Dorato Motors, Inc.	[illegible]
Appletree Chevrolet	7,871.16

Item # 2 - 1 1-1/2 yd Flat Bed Truck for Water Maintenance Dept.

Bidder	Bid
Matthews Motors, Inc.	$ 3,702.46
Asheville International Truck Sales	3,864.25
Dorato Motors, Inc.	4,062.94
Appletree Chevrolet	3,840.97

Item # 3 - 5 Pick-Up Trucks for Water Maintenance Dept.

Bidder	Bid
Matthews Motors, Inc.	$ 15,582.65
Asheville International Truck Sales	15,582.65
Dorato Motors, Inc.	16,691.40
Appletree Chevrolet	16,233.55

Item # 4 - 1 4-wheel drive, utility-type body fully enclosed for Water Maintenance

Bidder	Bid
Matthews Motors, Inc.	$ 3,527.08
Asheville International Truck Sales	3,566.78
Appletree Chevrolet	3,952.21

Item # 5 - 1 1-1/2 yd. Flat Bed Truck for Water Maintenance Dept.

Bidder	Bid
Matthews Motors, Inc.	$ 3,737.46
Asheville International Truck Sales	3,914.25
Dorato Motors, Inc.	4,092.09
Appletree Chevrolet	3,940.94

RESOLUTION NO. 74-20 - RESOLUTION OFFERING THE REAL PROPERTY AND BUILDING KNOWN AS THE THOMAS WOLFE MEMORIAL HOME TO THE STATE OF NORTH CAROLINA, DEPARTMENT OF CULTURAL RESOURCES, DIVISION OF ARCHIVES AND HISTORY

7. Consideration was given to a resolution offering the real property and building known as the Thomas Wolfe Memorial Home to the State of North Carolina Department of Cultural Resources, Division of Archives and History.

The Assistant City Manager read the resolution.

Mayor Wood noted that for a number of months, discussions had been underway with the Department of Cultural Resources of North Carolina with reference to the transfer by the City of Asheville to the State of North Carolina of the Thomas Wolfe Memorial Home, so the Thomas Wolfe Memorial would be owned and maintained by the State, thereby making the Memorial a permanent historical site. He said members of the legislative delegation representing Buncombe County had been contacted and are willing to introduce a bill in the General Assembly proposing for appropriations with which the Department of Archives and History can provide for improvements and year-round operation of the Thomas Wolfe Memorial.

Councilman Colton noted that this action cultimated many years of work on part of the Jaycees, Councilman Hoyle, and State Representative Herschel Harkins.

Upon motion of Councilman Horton, seconded by Councilman Colton, Resolution No. 74-20 was unanimously adopted.

Mayor Wood instructed the City Clerk to send certified copies of the resolution to the Department of Cultural Resources, Division of Archives and History and to Representative Herschel Harkins.

Complete text of Resolution No. 74-20 will be found in Resolution Book No. 7 at page 183.

ASTON PARK TENNIS COURTS - FEES AND REGULATIONS

8. Ray Kisiah, Parks and Recreation Director, asked Council that authority be given to the Parks and Recreation Department, with approval of the Parks and Recreation Advisory Board for establishment of rules and regulations governing the use of the tennis center at Aston Park as may be necessary and desirable, including hours and dates of operation, fees, scheduling of tournaments, and any other matters relating to the operation of the tennis courts. He said this authority would curtail them from having to obtain approval from Council each time a change was needed. He said the Parks and Recreation Advisory Board recommended having a full-time maintenance man employed year-round; a fee of 50¢ per hour on the new tennis court, with no charge being made for the hard surfaced courts that are planned; time limit of one and one-half hours maximum when other players are waiting.

In the discussion which followed, Councilman Morris and Colton indicated that they were reluctant to allow fees to be collected on these courts until there were sufficient hard surfaced courts in all neighborhoods for the children to play on.

Councilman Morris moved to approve all the recommendations of the Parks and Recreation Advisory Board except that no fees be collected on the tennis courts until such time that all presently planned hard surfaced courts were constructed. This motion was seconded by Councilman Hoyle and unanimously adopted.

Item # 12 - 1 enclosed Hydraulic Packer Body (push out type) for Sanitation Dept.

Bidder	Bid
Suburban Sanitation Service	Included in bid price (Item 11)
Sanco Corporation	$ 8,728.00
Cook Body Company, Inc.	7,315.00
Quality Equipment And Supply Company	7,048.81
Simpson Equipment Corporation	7,858.35

Item # 13 - 1 16-inch Brush Chipper

Bidder	Bid
Safety Test and Equipment Company	$ 4,357.60
Interstate Equipment Company	5,358.64
H & H Equipment Company	4,588.02
Porter Brothers, Inc.	5,164.24

RESOLUTION NO. 74-18 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CONSENT JUDGMENT ON BEHALF OF THE CITY OF ASHEVILLE WITH THE NORTH CAROLINA BOARD OF TRANSPORTATION FOR THE CONDEMNATION OF LAND INCLUDED IN HIGHWAY PROJECT NO. 6.801872

5. Consideration was given to a resolution authorizing the Mayor to execute consent judgment on behalf of the City of Asheville with the North Carolina Board of Transportation for the condemnation of land included in Highway Project No. 6.801872.

The Corporation Counsel presented the resolution and recommended its adoption.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 74-18 was unanimously adopted.

Complete text of Resolution No. 74-18 will be found in Resolution Book No. 7 at page 181.

RESOLUTION NO. 74-19 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE EASEMENTS IN FAVOR OF THE CAROLINA POWER AND LIGHT COMPANY

6. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute easements in favor of the Carolina Power and Light Company.

The Assistant City Manager read the resolution and explained that the Carolina Power and Light Company is contructing a transformer station on Beaverdam Road and these easements were needed for the placement of guy wires and guy anchors.

Upon motion of Councilman Hoyle, seconded by Councilman Colton, Resolution No. 74-19 was unanimously adopted.

Complete text of Resolution No. 74-19 will be found in Resolution Book No. 7 at page 182.

MR. DAVE JACKSON - COMPLAINT OF ILLEGAL RUMMAGE SALES

Mr. Dave Jackson of Brevard Road told Council of several locations in the City of Asheville where illegal rummage sales were being held. He said these operations were not non-profit organizations and therefore the City Privelege Tax Office was not forcing these people to get City Licenses.

Mayor Wood asked Mr. Jackson to report any violations to the City Manager or the Assistant City Manager and the operations would be checked into.

MR. A. J. JOHNSON - RICHMOND HILLS DRIVE

Mr. A. J. Johnson of Richmond Hills Drive told Council of a 250' strip of road that is in the County, but is between the county line and Richmond Hills, which is in the City Limits. He said that this road was in a very bad condition and he had appealed to the State to fix the road, but nothing had been done. He asked Council if the City could annex this strip in order that the road could be maintained.

Mayor Wood instructed the Assistant City Manager to investigate this matter and see what could be done, as this road is traveled by city trucks picking up garbage and brush.

Adjournment.

Richard A. Wood, Jr.
MAYOR

William F. Hilliard
CITY CLERK

PROCLAMATION - DENTAL HEALTH WEEK

Mayor Wood proclaimed the week of February 4 - 8 as Dental Health Week.

MRS. SADIE SPRINKLE - COMPLAINT OF DOG CONTROL ORDINANCE

Mrs. Sadie Sprinkle of 330 Barnard Avenue appeared before Council asking that something be done about enforcing the present dog control ordinance. She said that several dogs in her neighborhood were destroying the property of people in the neighborhood. She said the dog control officer had been called several times, but when they arrived, the dogs were gone.

Mayor Wood advised Mrs. Sprinkle that the dog control ordinance was difficult to enforce, but he would have the City Manager investigate the matter in her neighborhood.

SENIOR OPPORTUNITIES CENTER

A group of senior citizens from the Senior Opportunities Center appealed to Council, by reading an open statement to Council, for immediate establishment of a project planning and approval process which transcends the termination of Model Cities in June; continuation and full year funding as proposed for the Meals-on-Wheels Program; expansion of the program for city-wide services; ownership of the Senior Citizens Center building at 36 Grove Street; funds to renovate the center's kitchen into a commerical unit; a totally community supported program; revenue sharing support, and a chance to meet with Council to help work out the needs of the Senior Citizens.

Mr. Ray Kisiah, Director of the Parks and Recreation, advised Council that the City was now paying $750.00 per month to lease the Senior Opportunities Center building. He said he had talked with the owners about a year ago when there was some thought about buying the center, but nothing definitely was decided. He also noted that there is a possibility that federal funds might be available for a new center near the Aston Park Towers which the Asheville Housing Authority could construct.

Mr. E. R. McCarthy spoke in favor of a city-wide program rather than a Model Cities area program and suggested [illegible] a referendum on the matter.

After a lengthy discussion, Mayor Wood stated that any Councilman could make any motion he wished to make, but he felt that any action taken on the matter at this time would be premature. He said after last week's Council meeting the City Manager was asked to make arrangements to meet with the owners of the building at 36 Grove Street for the possibility of purchasing the property or for the continued leasing of the building. He said he has also asked the City Manager to explore the possibility and feasibility of the Asheville Housing Authority constructing a new center. He said that after discussing the matter with the owners of the building, the Asheville Housing Authority, and the Model Cities Commission Council would be in a better position to make a decision.

City's share, based on population, would be about 43% of the remaining $25,000.

Councilman Morris, in commenting on the resolution, stated that he realized this was an important matter and that he did not oppose it, but that he would like to point out that with the City and the County both paying a pro-rata share it was"double taxation" for the City taxpayers. Mayor Wood stressed the importance of the facilities plan but also noted the unfairness of the formula.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 74-21 was unanimously adopted.

On inquiry of Councilman Horton as to whether the City's share was budgeted, he was advised that it would have to be budgeted in the 1974-75 budget. In this regard, Mayor Wood suggested that the City Manager consider budgeting this out of water revenue funds rather than the general funds, so that the cost would be more fairly borne by the taxpayers.

Complete text of Resolution No. 74-21 will be found in Resolution Book No. 7 at page 185.

ORDINANCE NO. 795 - AN ORDER AUTHORIZING $8,250,000 WATER BONDS

Councilman Ochsenreiter introduced in written form the following order authorizing bonds which was read:

ORDER AUTHORIZING $8,250,000
WATER BONDS

BE IT ORDERED by the Council of the City of Asheville:

Section 1. That, pursuant to The Local Government Bond Act, as amended, the City of Asheville, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Water Bonds in an aggregate principal amount not exceeding $8,250,000 for the purpose of providing funds, with any other available funds, for improving, reconstructing, enlarging, and extending the waterworks system of said City within and without the corporate limits of said City, including the construction and installation of additional water treatment, storage, and related facilities, laboratory and other water quality monitoring facilities, additional reservoir protection facilities, and additional water mains and lines, the relocation of water mains, and the acquisition of necessary land, rights of way, and equipment.

Section 2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds and that the application of any net revenues of the waterworks system to the payment of the principal of and the interest on any of said bonds under or pursuant to the provisions of Section 159-47 of the General Statutes of North Carolina is subject to the prior lien on such net revenues of the outstanding Water Refunding Bonds of the City, dated July 1, 1936; the outstanding Water Bonds of 1951, dated December 1, 1951, issued under and pursuant to a resolution passed by the Council on November 15, 1951; and the outstanding Water Bonds of 1961, dated November 1, 1961, issued under and pursuant to a resolution passed by the Council on September 28, 1961.

Regular Meeting

Present : Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Eugene C. Ochsenreiter, Jr., Bill B. Horton, Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Henry E. Colton

1. Approval of minutes of January 31, 1974 meeting.

Upon motion of Councilman Horton, seconded by Councilman Hoyle, the minutes of the January 31, 1974 meeting were approved as submitted.

PUBLIC HEARING - REZONING LOT 19-1/2, WARD 4, SHEET 12

ORDINANCE NO. 794 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. A public hearing was held to consider the rezoning request of Drs. C. A. Keller and F. M. Mauney that Lot 19-1/2, Ward 4, Sheet 12, be rezoned from Neighborhood Trading Area to Institutional District.

Mayor Wood opened the public hearing at 3:02 o'clock p. m.

The City Manager read the notice to the public setting the time and date for the public hearing and presented the affidavit of publication certifying that it was published as legally required.

Mr. Kmecza, Director of Planning, read a letter from the Planning and Zoning Commission, in which they recommended the rezoning change.

There being no objections from Council or interested citizens, Mayor Wood closed the public hearing at 3:07 o'clock p. m.

Mayor Wood requested the City Manager to present the amending ordinance for Council's consideration.

Vice-Mayor Marshall moved for the adoption of the ordinance, which was seconded by Councilman Morris. On a roll call vote of 5-0, Ordinance No. 794 passed on its first reading.

RESOLUTION NO. 74-21 - RESOLUTION CONCERNING AGREEMENT TO UNDERTAKE DEVELOPMENT OF A SECTION 201 FACILITIES PLAN

3. Consideration was given to a resolution concerning agreement to undertake development of a Section 201 Facilities Plan.

The City Manager presented the resolution. Mayor Wood explained to Council that, at a meeting several months ago with representatives from Asheville, Biltmore Forest, Weaverville, Montreat, Black Mountain, Woodfin, Henderson County and Buncombe County, it was agreed that the wastewater facilities for this area should be developed under a cooperative plan. He said the resolution before them for consideration at this time would implement this agreement by the City agreeing to pay their pro-rata share of the cost of developing such a plan. He said it was estimated that the entire cost would be about $100,000, three fourths of which would be covered by a federal grant from the Environmental Protection Agency. Mayor Wood said that the

SWORN STATEMENT OF DEBT

Thereupon the Director of Finance filed with the City Clerk, in the presence of the Council, the sworn statement of debt as so required, which statement is made a part of these minutes:

CITY OF ASHEVILLE, NORTH CAROLINA

SWORN STATEMENT OF DEBT MADE PURSUANT TO THE LOCAL GOVERNMENT BOND ACT, AS AMENDED

I, Larry A. Fisher, Director of Finance of the City of Asheville, North Carolina, having been designated by the Council of said City to make and file with the City Clerk a statement of the debt of said City pursuant to The Local Government Bond Act, as amended, DO HEREBY CERTIFY, that the following is a true statement as shown by the books in my office, not taking into consideration any debt incurred or to be incurred in anticipation of the collection of taxes or in anticipation of the sale of bonds other than funding and refunding bonds:

(a) GROSS DEBT

a(1) Outstanding debt evidenced by bonds:

Date of Issue	Designation		
July 1, 1936	General Refunding	$ 6,386,975	
July 1, 1936	Water Refunding	2,159,046	
December 1, 1951	Water Bonds of 1951	1,400,000	
December 1, 1951	Airport Bonds	195,000	
November 1, 1961	Water Bonds of 1961	3,265,000	
June 1, 1964	Grade Separation Bonds	120,000	
June 1, 1964	Public Improvement Bonds	315,000	
November 1, 1969	Municipal Vehicle Bonds	450,000	
May 1, 1970	Redevelopment Bonds	1,350,000	
June 1, 1971	Auditorium and Arts Center Bonds	5,000,000	
	Assumed Water and Sewer District Debt	28,608	
December 1, 1971	Auditorium and Arts Center Bonds	3,000,000	
			$23,649,629

a(2) Bonds authorized by an order introduced on February 7, 1974 but not yet adopted:
Water Bonds . . . . . $ 8,250,000

a(3) Unissued bonds authorized by adopted orders . . . . . $ -0-

a(4) Outstanding debt, not evidenced by bonds . . . . . $ -0-

(a) GROSS DEBT, being the sum of a(1), a(2), and a(4) $31,899,629

Section 3. That a sworn statement of the debt of the City has been filed with the City Clerk and is open to public inspection.

Section 4. That this order shall take effect when approved by the voters of the City at a referendum as provided in said Act.

Thereupon, upon motion of Councilman Ochsenreiter, seconded by Councilman Morris, the order entitled: "ORDER AUTHORIZING $8,250,000 WATER BONDS", as hereinabove set forth, was passed upon its first reading by the following vote:

Yeas: Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Eugene C. Ochsenreiter, Jr., Bill B. Horton, and Vice-Mayor Calvin W. Marshall.

Nays: None

RESOLUTION NO. 74-22 - RESOLUTION DESIGNATING THE DIRECTOR OF FINANCE TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT

Thereupon Vice-Mayor Marshall introduced in written form the following resolution which was read:

RESOLUTION DESIGNATING THE DIRECTOR OF FINANCE TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT

BE IT RESOLVED by the Council of the City of Asheville;

Section 1. That the Director of Finance be and he is hereby designated as the officer who shall prepare and file with the City Clerk the sworn statement of debt of the City of Asheville which is required by The Local Government Bond Act, as amended, to be filed after a bond order has been introduced and before the public hearing thereon.

Section 2. That this resolution, being a resolution directing administrative action, shall take effect immediately.

_____
Mayor

_____
City Clerk

Approved as to form:

_____
Corporation Counsel

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, the foregoing resolution entitled: "RESOLUTION DESIGNATING THE DIRECTOR OF FINANCE TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT" was passed by the following vote:

Yeas: Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Bill B. Horton, Eugene C. Ochsenreiter, Jr., and Vice-Mayor Calvin W. Marshall.

Nays: None

(e) DEBT RATIO

(e) Percentage which the net debt bears to said appraised value . . . . . 2.16 %

The foregoing statement is true.

Larry Fisher
Director of Finance of the
City of Asheville,
North Carolina

STATE OF NORTH CAROLINA)
) ss
COUNTY OF BUNCOMBE)

Subscribed and sworn to before me this 7th day of February, 1974.

Carol S. Hensley
Notary Public

My Commission Expires December 13, 1976

RESOLUTION NO. 74-23 - RESOLUTION PROVIDING FOR A PUBLIC HEARING UPON AN ORDER AUTHORIZING $8,250,000 WATER BONDS AND DIRECTING THE CITY CLERK TO PUBLISH SAID ORDER TOGETHER WITH A STATEMENT GIVING NOTICE OF SAID HEARING

Thereupon Councilman Horton introduced in written form the following resolution which was read:

RESOLUTION PROVIDING FOR A PUBLIC HEARING
UPON AN ORDER AUTHORIZING $8,250,000
WATER BONDS AND DIRECTING THE CITY CLERK
TO PUBLISH SAID ORDER TOGETHER WITH A
STATEMENT GIVING NOTICE OF SAID HEARING

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That a public hearing upon the order entitled: "ORDER AUTHORIZING $8,250,000 WATER BONDS" shall be held at 3:00 o'clock P. M., on February 19, 1974 at the City Hall in Asheville, North Carolina, at which the Council shall hear anyone who may wish to be heard on the question of the validity of said order or the advisability of issuing said bonds.

Section 2. That said public hearing may be adjourned from time to time.

Section 3. That the City Clerk be and he is hereby directed to publish said order, together with the appended statement giving notice of said hearing as required by The Local Government Bond Act, as amended, once in The Asheville Times not later than the sixth day before the date of said public hearing.

(b) DEDUCTIONS

B(1)	Funding and refunding bonds authorized by orders introduced but not yet adopted	$	-0-
b(2)	Funding and refunding bonds authorized but not yet issued	$	-0-
b(3)	The amount of money held in sinking fund or otherwise for the payment of any part of the principal of gross debt other than debt incurred for water, gas, electric light or power purposes, or sanitary sewer purposes (to the extent that the bonds are deductible under G. S. 159-55(b))or two or more of said purposes	$	7,844,500
b(4)	Bonded debt included in gross debt and incurred, or to be incurred, for water, gas, electric light or power purposes or two or more of said purposes	$	12,895,000
b(5)	Bonded debt included in gross debt and incurred, or to be incurred, for sanitary sewer system purposes to the extent that said debt is made deductible by G. S. 159-55(b)	$	-0-
b(6)	Uncollected special assessments heretofore levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred, to the extent that such assessments will be applied, when collected, to the payment of any part of the gross debt	$	-0-
b(7)	The amount, as estimated by the Director of Finance, of special assessments to be levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred, to the extent that the special assessments, when collected, will be applied to the payment of any part of the gross debt.	$	-0-
(b)	DEDUCTIONS, being the sum of b(1), b(2), b(3), b(4), b(5), b(6) and b(7)	$	20,739,500

(c) NET DEBT

(c)	NET DEBT, being the difference between the GROSS DEBT (a) and the DEDUCTIONS (b)	$	11,160,129

(d) APPRAISED VALUE

(d)	APPRAISED VALUE of property subject to municipal taxation before the application of any assessment ratio, being the value fixed in 1973		$516,783,044

RESOLUTION NO. 74-24 - RESOLUTION AUTHORIZING THE EXECUTION OF A WRITTEN THIRD PARTY CONTRACT BETWEEN THE CITY OF ASHEVILLE AND THE ASHEVILLE HOUSING AUTHORITY FOR OPERATION OF THE RELOCATION PLAN OF THE THIRD ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

7. Consideration was given to a resolution authorizing the execution of a written third party contract between the City of Asheville and the Asheville Housing Authority for operation of the Relocation Plan of the Third Action Year Comprehensive City Demonstration Program.

The City Manager presented the resolution.

Logan Delany, Director of Model Cities, advised Council that some of the funds originally allocated to the Asheville Housing Authority for Relocation Services were withdrawn because it was felt they would not be used. However, he said it was now evident that this program would need $6,000 in additional funds to cover commitments made through June 30, 1974. He said that funds were available in the Third Action Year Grant Budget and that it was a HUD requirement that funds be allocated throughout the life of the Model Cities Program to cover relocation activity.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Morris, Resolution No. 74-24 was unanimously adopted.

Complete text of Resolution No. 74-24 will be found in Resolution Book No. 7 at page 188.

RESOLUTION NO. 74-25 - RESOLUTION EXTENDING MEALS-ON-WHEELS COMPONENT OF THE SENIOR OPPORTUNITIES PROJECT THROUGH JUNE 30, 1974 IN THE THIRD ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

8. Consideration was given to a resolution extending Meals-on-Wheels component of the Senior Opportunities Project through June 30, 1974 in the Third Action Year Comprehensive City Demonstration Program.

The City Manager presented the resolution.

Logan Delany, Director of Model Cities, in commenting said that essentially the resolution called for the allocation of $8,343 from Third Action Year Supplemental Funds in order to fund the Meals-on-Wheels program through June 30, 1974. In answer to the inquiry as to the future of this program and the Senior Opportunity Center after June 30, he said that there was some $359,000 left in the Model Cities Program and that the Model Cities Commission was presently working on budget recommendations for the use of this money. He said it was his opinion that the Senior Opportunity Center would be included in these recommendations. He said the Meals-on-Wheels Program was beginning to develop private support through church groups and other organizations.

Upon motion of Councilman Horton, seconded by Councilman Hoyle, Resolution No. 74-25 was unanimously adopted.

Complete text of Resolution No. 74-25 will be found in Resolution Book No. 7 at page 190.

Section 4. That this resolution, being a resolution directing administrative action, shall take effect immediately.

_____
Mayor

_____
City Clerk

Approved as to form:

_____
Corporation Counsel

Upon motion of Councilman Horton, seconded by Councilman Ochsenreiter, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR A PUBLIC HEARING UPON AN ORDER AUTHORIZING $8,250,000 WATER BONDS AND DIRECTING THE CITY CLERK TO PUBLISH SAID ORDER TOGETHER WITH A STATEMENT GIVING NOTICE OF SAID HEARING" was passed by the following vote:

Yeas: Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Bill B. Horton, Eugene C. Ochsenreiter, Jr., and Vice-Mayor Calvin W. Marshall

Nays: None

Thereupon the resolution entitled: "RESOLUTION DESIGNATING THE DIRECTOR OF FINANCE TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT" and the resolution entitled: "RESOLUTION PROVIDING FOR A PUBLIC HEARING UPON AN ORDER AUTHORIZING $8,250,000 WATER BONDS AND DIRECTING THE CITY CLERK TO PUBLISH SAID ORDER TOGETHER WITH A STATEMENT GIVING NOTICE OF SAID HEARING" were authenticated by the signatures of the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolutions his approval of the forms thereof.

CHARTER REQUIREMENT THAT ORDINANCE BE READ ON THREE SEPARATE DAYS DISPENSED WITH

Thereupon, upon motion of Councilman Morris, seconded by Councilman Hoyle, the requirement of the Charter that ordinances be read on three separate days was dispensed with by the following vote, being not less than two-thirds of the members of the Council:

Yeas: Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Bill B. Horton, Eugene C Ochsenreiter, Jr., and Vice-Mayor Calvin W. Marshall.

Nays: None

Thereupon, upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, the order entitled: "ORDER AUTHORIZING $8,250,000 WATER BONDS", as hereinabove set forth, was read a second time and was passed upon its second reading by the following vote:

Yeas: Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Bill B. Horton, Eugene C. Ochsenreiter, Jr., and Vice-Mayor Calvin W. Marshall.

Nays: None

Thursday - February 14, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, Ralph D. Morris, Jr., J. W. Hoyle, Eugene C. Ochsenreiter, Jr., Bill B. Horton, Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of the February 7, 1974 meeting.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall, the minutes of the February 7, 1974 meeting were approved as submitted.

PUBLIC HEARING - ALLEY CLOSING - ADJACENT TO LOTS 469-1/4 and 470-1/4, WARD 9, SHEET 6.

2. A public hearing was held to consider the closing of an alley adjacent to Lots 469-1/4 and 470-1/4, Ward 9, Sheet 6.

Mayor Wood opened the public hearing at 3:07 o'clock p. m.

The City Manager read the resolution of intent to close the alley and which also called for the public hearing on the question. He further read the affidavit of publication.

Mr. Robert Long, Attorney for the petitioner, presented the legal documents evidencing that he had followed the state statutes in notifying the adjacent property owners and posting the required notices of closing.

Mr. Tresner, the petitioner, verified that the owners of the property adjacent had not voiced an objection.

No one spoke in opposition to the closing.

Mayor Wood closed the public hearing at 3:17 o'clock p. m. and requested Mr. Logg and the Corporation Counsel to prepare the required ordinance for Council's consideration at the regular meeting on February 21, 1974.

PUBLIC HEARING - DEMOLITION OF CERTAIN DWELLING HOUSES

ORDINANCE NO. 796 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO PROCEED WITH THE DEMOLITION AND REMOVAL OF 56 AND 72 CLEMMONS STREET, 3 HIGGINS PLACE, AND 76 PINE STREET

3. A public hearing was held to consider the passage of an ordinance ordering the Housing Officer to demolish those houses known as 56 and 72 Clemmons Street, 3 Higgins Place and 76 Pine Street.

Mayor Wood opened the public hearing at 3:18 o'clock p. m.

The City Manager read the notice of the public hearing and the affidavit of publication.

LEASE ON SENIOR OPPORTUNITY CENTER

Mayor Wood announced that with reference to the Senior Opportunity Center, the City had been in contact with the owners of the property on Grove Street and that the Council should have a lease to consider at next weeks meeting. He said the proposed lease would include leasing the building until June 30, 1974 at the present rental with an option to renew for a two year period, with a further option to purchase the property at anytime during the 2-1/2 years.

RESOLUTION NO. 74-26 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENTS WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION FOR WATER LINE CONNECTIONS ON U. S. HIGHWAY 70 OTEEN - WARD 8 CITY OF ASHEVILLE

Consideration was given to a resolution authorizing Mayor to execute right of way encroachment agreements with the North Carolina State Highway Commission for water line connections on U. S. Highway 70 - Oteen - Ward 8 City of Asheville.

The City Manager presented the resolution.

Upon motion of Vice- Mayor Marshall, seconded by Councilman Ochsenreiter, Resolution No. 74-26 was unanimously adopted.

Complete text of Resolution No. 74-26 will be found in Resolution Book No. 7 at page 193.

PETITION - REZONE LOT 201, WARD 5, SHEET 12, AT 5 VERMONT AVENUE

The City Manager presented a petition received from Gaylord W. Lambert and wife Eula F. Lambert to rezone their property at 5 Vermont Avenue, Lot 201, Ward 5, Sheet 12 from RA-6 Residential to Business. He read the petition which explained that Wachovia Bank and Trust Company had an option to purchase this property in order to expand their parking facilities.

In the absence of any objections from Council, Mayor Wood referred the petition to the Planning and Zoning Commission for review and recommendations.

PROCLAMATION - AMERICAN HISTORY MONTH

Mayor Wood proclaimed the month of February as American History Month.

Adjournment.

Richard L. Wood
MAYOR

Frances L. Metcalf
CITY CLERK

RESOLUTION NO. 74-28 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SUBGRANT APPLICATION FOR THE CONTINUATION OF THE CRIME PREVENTION UNIT WITHIN THE ASHEVILLE POLICE DEPARTMENT

6. Consideration was given to a resolution authorizing the Mayor to execute a subgrant application for the continuation of the Crime Prevention Unit within the Asheville Police Department.

The City Manager presented the resolution.

Police Chief J. C. Hall, explained that this crime prevention for which the Police Department was requesting a federal grant was a continuing program now in effect. He said that he was pleased with the results and the way it had been received by the public up to this time. He said that he anticipated even better results in the future.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, Resolution No. 74-28 was unanimously adopted.

Complete text of Resolution No. 74-28 will be found in Resolution Book No. 7 at page 196.

RESOLUTION NO. 74-29 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE LEASE AGREEMENT FOR USE OF THE GYMNASIUM BUILDING LOCATED AT THE STEPHENS-LEE SCHOOL

7. Consideration was given to a resolution authorizing the Mayor to execute lease agreement for use of the gymnasium building located at the Stephens-Lee School.

The City Manager presented the resolution.

Ray Kisiah, Director of Parks and Recreation, explained that the execution of the lease agreement would enable the Parks and Recreation Department to continue the recreational program at the old Stephens-Lee High School. He recommended its approval.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 74-29 was unanimously adopted.

Complete text of Resolution No. 74-29 will be found in Resolution Book No. 7 at page 198.

RESOLUTION NO. 74-30 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR ROADWAY PURPOSES - PROJECT - ORCHARD STREET, CIVIC REDEVELOPMENT

8. Consideration was given to a resolution authorizing Mayor to execute right of way encroachment agreement with the North Carolina State Board of Transportation for roadway purposes - Project: Orchard Street, Civic Redevelopment.

The City Manager presented the resolution and explained that the R-13 Urban Renewal Plan called for a vehicle turn around at the eastern end of Orchard Street and that in order to construct this turn around the encroachment described in the resolution was necessary.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Colton, Resolution No. 74-30 was unanimously adopted.

Complete text of Resolution no. 74-30 will be found in Resolution Book No. 7 at page 199.

J. E. Johnson, Housing Officer, presented Council with the legal documents evidencing that he had followed the legal procedure set forth in the Code of Ordinances of the City of Asheville and that the houses he was requesting demolished violated the Housing Code.

Mayor Wood asked for comments from the audience and receiving no objections he closed the public hearing at 3:24 o'clock p. m.

Mayor Wood requested the City Manager to read the prepared ordinance directing the Housing Officer to demolish the houses in question.

Councilman Colton moved for its adoption and his motion was seconded by Councilman Ochsenreiter.

On a roll call vote of 6 - 0, Ordinance No. 796 passed on the first reading.

GEORGE M. TISDALE - APPOINTMENT AS CHAIRMAN - CITIZEN'S COMMITTEE ON WATER BOND REFERENDUM

Mayor Wood announced the appointment of George M. Tisdale, District Manager for Southern Bell Telephone Company, as Chairman of the Citizen's Committee to promote the $8,250,000 Water Bond Referendum. He said that Mr. Tisdale would be assisted by Councilman Colton as Vice-Chairman. He thanked Mr. Tisdale for excepting the position and pledged Council's full cooperation.

ORDINANCE NO. 794 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (McDowell Street)

4. Consideration was given to the second reading of Ordinance No. 794, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (McDowell Street).

Upon a roll call vote of 6 - 0, Ordinance No. 794 passed on the second reading.

RESOLUTION NO. 74-27 - RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION FOR A FEDERAL GRANT FOR A DRUG AND ALCOHOL ABUSE PROJECT

5. Consideration was given to a resolution authorizing the Mayor to file an application for a federal grant for a Drug and Alcohol Abuse Project.

The City Manager presented the resoltuion and explained that this was a continuing federal program dealing with Drug and Alcohol Abuse and that the $5,348 local matching fund would be shared equally with Buncombe County. The City's share to be budgeted in 1974-75.

Mr. Michalove briefly explained that the three major areas of activity are: Interagency Narcotic Squad, Drug Education and Coordination by the Drug and Alcohol Abuse Advisory Commission. The grant of $68,170 will be used to provide staff for these activities.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 74-27 was unanimously adopted.

Complete text of Resolution No. 74-27 will be found in Resolution Book No. 7 at page 194

The City Manager presented the resolution.

Corporation Counsel Robert J. Robinson reviewed the terms of the lease explaining that the City proposed to lease the present Senior Opportunity Center building at the present rental of $750.00 per month until June 30, 1974, with an option to renew the lease at the same rental until June 30, 1976. Further options to include the right to purchase the building at a price not to exceed $100,000.00 and the right to purchase the adjoining parking lot for an amount not to exceed $40,000.00. The City to have this privelege of exercising the purchase options anytime during the terms of either rental period.

Councilman Horton was advised that the monthly rental would not apply toward the purchase price.

Carl Johnson, Model Cities Commissioner, urged Council to consider the immediate purchase of the building as some repairs, particularly to the kitchen, were needed. He said that it was anticipated that the "Meals on Wheels" would be prepared from an upgraded kitchen in this building but it was not feasible to make these repairs to a leased building.

Logan Delany, Director of Model Cities, said it was the consensus of his commission that the building should be purchased, however, no official action had been taken and that official action could not be taken until the March meeting. He said it was his opinion that some Model Cities supplemental funds and some city funds should be used to make the purchase.

Mrs. Roy Rogers also appealed to Council to purchase the building at this time.

Councilman Morris moved to adopt the resolution authorizing the Mayor to execute the new lease on the building and further to direct the City Manager to obtain appraisals on both the building and the adjoining parking lot, reporting back to Council as soon as this is accomplished. This motion was seconded by Councilman Horton and carried unanimously.

Complete text of Resolution No. 74-32 will be found in Resolution Book No. 7 at page 201.

REORGANIZATION OF ADMINISTRATIVE STRUCTURE OF CITY GOVERNMENT

The City Manager announced the reorganization of the Administrative Structure of the City's government and read the following prepared text:

This reorganization was undertaken for two main reasons:

1) To provide an organizational structure which is up-to-date in terms of how the City actually operates and,

2) to provide an organizational structure which allows enough flexibility to respond effectively to future operations by the City.

The reorganization is designed to consolidate functionally similar City agencies under nine administrative departments. This reduces the number of administrative departments from fourteen. A majority of the operating divisions within these nine administrative departments will not undergo any internal reorganization, so the level of services to the City will

REZONING - LOTS 226 and 227, WARD 7, SHEET 16, - GLENDALE AVENUE.

9. Consideration was given to the request for rezoning Lots 226 and 227, Ward 7, Sheet 16, from RA-6 Residential to Industrial.

The City Manager read a letter from the Planning and Zoning Commission recommending that the request be denied. They further recommended to Council that a moratorium be imposed on all future development in the flood prone area until such time as proper construction standards are adopted for these areas.

The City Manager advised Council that even though the petition had been denied by the Planning and Zoning Commission, the petitioner, Mrs. Willie Ethel R. Mountney, had requested a public hearing.

Councilman Gohsenreiter moved that the petitioner's request be granted; that the public hearing be held on March 14, 1974, and that the legal advertisement be published at the petitioner's expense. This motion was seconded by Councilman Hoyle and carried unanimously.

RESOLUTION NO. 74-31 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH KRANER COMPANY CONCERNING WATER MAINS EXTENDING EASTERLY AND SOUTH FROM PHASE I OF TURTLE CREEK SUBDIVISION TO SERVE PHASE II OF SAID SUBDIVISION LIMESTONE TOWNSHIP, BUNCOMBE COUNTY

10. Consideration was given to a resolution authorizing the Mayor to enter into agreement with Kraner Company concerning water mains extending easterly and south from Phase I of Turtle Creek Subdivision to serve Phase II of said subdivision Limestone Township, Buncombe County.

The City Manager presented the resolution.

It was explained to Council that this agreement was for water service to the Turtle Creek development located off Hendersonville Road consisting of some 497 residential units and a shopping center. The agreement to include a 8" line through the development connecting the City's 16" line on Sweeten Creek Road and the City's 6" line on Hendersonville Road. The construction of the line and the connections to be at the developer's expense.

On inquiry, Councilman Morris was advised that the Water Engineering Department was not aware of any further developments in the plans for the County to construct a reservoir in this area.

Upon motion of Councilman Bolton, seconded by Councilman Horton, Resolution No. 74-31 was unanimously adopted.

Complete text of Resolution No. 74-31 will be found in Resolution Book No. 7 at page 200.

RESOLUTION NO. 74-32 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE LEASE FOR USE OF PREMISES ON GROVE STREET BY THE PARKS AND RECREATION DEPARTMENT'S SENIOR OPPORTUNITIES CENTER - A MODEL CITIES FUNDED PROJECT

11. Consideration of a resolution authorizing Mayor to execute lease for use of premises on Grove Street by the Parks and Recreation Department's Senior Opportunities Center - a Model Cities funded project.

RECYCLING OF PAPER

Mrs. Walter Kaghan, representing the League of Women Voters asked Council to adopt a plan for the recycling of paper. She said that she and members of her committee from the League had made an extensive study of the recycling plan now in effect in Henderson County and Hendersonville and they were convinced that it would work equally as well in Asheville. The most significant of the ten reasons she gave for instituting the plan in Asheville, were the conservation of the landfill and the revenue the City would derive from the sale of the paper to the Asheville Waste Paper Company.

Mayor Wood thanked Mrs. Kaghan and her committee for their work and requested Councilman Colton, Councilman Horton, the City Manager and the Superintendent of Sanitation to work with the committee in giving the matter further study and to report back to Council.

COMPLAINT ON CONDITION OF SHORT EAGLE STREET

Mr. A. C. Mitchell, 23 Brick Street, entered a complaint to Council regarding the deplorable condition of Short Eagle Street. He requested that it be given immediate attention. Mayor Wood referred the complaint to the City Manager and asked him to investigate.

COUNCIL MEETING CONTINUED TO FEBRUARY 19, 1974

Mayor Wood announced that due to further action to be taken relative to the water bond referendum Council would meet again on February 19, 1974. He then convened the meeting to meet again at 3:00 o'clock p. m. on February 19, 1974.

Adjournment.

Richard W. Wood, Jr.

William E. Moore, Jr.

not be affected even during the reorganization transition period. The reorganization is being effected now so that the 1974-75 Budget can reflect the new departmental structure. The reorganization will allow the City Manager to make better use of his staff resources in that the lines of authority will now lie along functionally appropriate lines.

He then presented Council with a graphic organization chart and reviewed the basic concept of the reorganization. The major changes he pointed out were the appointment of Ken Michalove as Assistant City Manager for Planning and Development, Mike Smith as Director of Central Services and William Edens as head of the Water and Sewer Services.

Mayor Wood complimented Mr. Ward on his efforts to reorganize the City's administrative structure, he commended him in his appointment of Mr. Michalove as Assistant City Manager for Planning and Development and wished him well in the implementation of his new organization.

Carl Johnson in commenting said that he was upset that Logan Delany's name was not mentioned in the new reorganization. Mayor Wood advised him that this was reorganization of existing departments and that Model Cities was head of one of these departments of which Mr. Delany was still the director.

ROBERT J. ROBINSON, RESIGNS AS CORPORATION COUNSEL

Mayor Wood said that it was with regret that he announced the resignation of Mr. Robert J. Robinson as Corporation Counsel. He said that since Mr. Robinson's appointment in the summer of 1971 he had been very diligent in his efforts and had performed an outstanding service to the City of Asheville.

Councilman Morris moved that Mr. Robinson's resignation be accepted with regret and that Mr. William C. Moore be appointed as Corporation Counsel. This motion was seconded by Councilman Hoyle and unanimously adopted.

WILLIAM C. MOORE - APPOINTMENT AND OATH OF OFFICE AS CORPORATION COUNSEL

Mr. William C. Moore having been appointed Corporation Counsel was administered the oath of office by the City Clerk.

Mr. Robinson expressed his appreciation to Council and the administrative staff for their cooperation. He said he was proud to have served with them and he knew that the City was in good hands and was being run efficiently.

PROCLAMATION - BROTHERHOOD WEEK - February 17 - 24

Mayor Wood proclaimed the week of February 17 - 24, 1974 as Brotherhood Week.

PROCLAMATION - SERTOMA'S FREEDOM WEEK - FEBRUARY 17 - 24

Mayor Wood proclaimed the week of February 17- 24, 1974 as Sertoma's Freedom Week..

Councilman Colton explained that according to the latest estimates, submitted by the consulting engineers, O'Brien and Gere, the cost of Phase I and Phase II of the improvements was $7,686,000 and the cost of other improvements to the system was $2,064,000, for a total of $9,750,000. He said the city was to receive a state grant for $1,500,000 leaving the $8,250,000 to be funded by the bonds. He said to the best of his knowledge there was no other federal or state funds available for this purpose. Councilman Morris added that if other funds do become available the City would not have to sell the full amount of the bonds.

Mrs. Gordon also questioned locating the filter plant at North Fork Reservoir. She said that it appeared to her that if the filter plant were located somewhere along the supply lines, perhaps nearer to town, it would better serve to keep the water clean. Arguments were advanced on both sides, with the final statement by Council that the consulting engineers, hired to make this decision, had an outstanding reputation in this field and that it was their recommendation to locate the filter plant near the source at North Fork Reservoir.

Mrs. George Coggins, 65 Town Mountain Road, did not question the advisability of issuing the bonds, but rather that she favored it. She did question the City proceeding on its own without the benefit of the consolidated water board as recommended in the Hazen and Sawyer report. She felt that the City was taking a unilateral action at this time that might cause problems for further expansion in the future. She was also concerned with whether or not consideration had been given to the duplication of construction, relative to the relocation of lines involved in the proposed highway plans for cutting through Beaucatcher Mountain.

Mayor Wood by way of explanation commended the Hazen and Sawyer report and stated that many of their recommendations had been implemented. He briefly reviewed Councilman Colton's previous explanation for the failure to carry out their recommendation for consolidation and the present city-county water agreement which is now in effect. He said that under this agreement the county, for the first time, was making a substantial contribution to the city water system. However, he said the city took the responsibility for the upgrading of the quality of the water and therefore the bond issue was necessary.

In regard to the highway construction relative to the Beaucatcher cut, Mayor Wood said that the City was coordinating with the Department of Transportation in the relocation of any transmission lines involved in this constuction.

In answer to a question regarding the rate increases for industrial users recommended by the Hazen and Saywer Report, Council advised her that two of the increases had already been put into effect and the final increase was now being considered.

Mrs. Barbara Keleher, residing at 18 Maywood Road, said she agreed with Mrs. Coggins that the bond issue should be a city-county effort, but she understood Council's explanations for not being able to proceed along this course. For information purposes she asked for a list of the bonds now outstanding and the date for the final refunding. She further questioned how the proposed bonds would be refunded.

Mayor Wood in answering her questions advised that the last of the outstanding bonds would not be refunded until 1990. He said that it was anticipated that the proposed bonds would be paid off from Water Revenues. He said, that even though the final determination had not been made, it appeared that there would be a 10 - 15 per cent water rate increase if the bonds were approved. He pointed out that

Reconvened Meeting

The Council of the City of Asheville, North Carolina, met in reconvened session at the City Hall in Asheville, North Carolina, the regular place of meeting, at 3:00 o'clock p. m., on February 19, 1974.

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, Ralph D. Morris, Jr., J. W. Hoyle, Eugene C. Ochsenreiter, Jr., Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Bill B. Horton

The Mayor announced that this was the date and hour fixed by the Council for the public hearing upon the order entitled: "ORDER AUTHORIZING $8,250,000 WATER BONDS" and that the Council would immediately hear anyone who might wish to be heard on the question of the validity of said order or the advisability of issuing said bonds.

Mayor Wood opened the public hearing at 3:13 o'clock p. m.

The City Manager read the order setting the public hearing and the affidavit of publication.

On inquiry of Mayor Wood the City Clerk announced that no written statements had been received by him on the question of the validity of said order or the advisability of issuing said bonds.

Mayor Wood then asked if anyone wished to be heard on the question.

Mrs. Marjorie Lockwood, residing at 57 Stuyvesant Road asked what had happened to the Buncombe County-City of Asheville consolidated water plan that was proposed in the Hazen and Sawyer report in 1971. She also questioned why such a board should not be formed now to handle the bonds and manage the water and sewer system of the whole county.

Councilman Colton reviewed the efforts of both the present Council and the previous Council to form a consolidated or metropolitan water district. He explained that after many months of study they were advised by the New York bond attorneys that due to the provisions of the previous water bond issues of 1936, 1951 and 1961 they would be restricted from transferring the water system to another agency without first paying off the previous outstanding bonds. He said that this was not a practical financial solution for the city and further efforts to consolidate were abandoned. He said that the committee then took a new approach, in which a financial agreement was worked out between the County and City, for both to contribute to the improvement of the water system. He said that this was very close to consolidation. He further stated that it was his understanding that the proposed bonds would not have the same restrictions as the old bonds and that consolidation at a future time would be possible.

Mrs. Marylyn Gordon, residing at 34 West Haven Drive, asked what other funds were available to the City from other sources and was $8,250,000 the entire cost of the improvements.

AN ORDER AUTHORIZING $8,250,000 WATER BONDS

BE IT ORDERED by the Council of the City of Asheville:

Section 1. That, pursuant to The Local Government Bond Act, as amended, the City of Asheville, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Water Bonds in an aggregate principal amount not exceeding $8,250,000 for the purpose of providing funds, with any other available funds, for improving, reconstructing, enlarging, and extending the waterworks system of said City within and without the corporate limits of said City, including the construction and installation of additional water treatment, storage, and related facilities, laboratory and other water quality monitoring facilities, additional reservoir protection facilities, and additional water mains and lines, the relocation of water mains, and the acquisition of necessary land, rights of way, and equipment.

Section 2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds and that the application of any net revenues of the waterworks system to the payment of the principal of and the interest on any of said bonds under or pursuant to the provisions of Section 159-47 of the General Statutes of North Carolina is subject to the prior lien on such net revenues of the outstanding Water Refunding Bonds of the City, dated July 1, 1936; the outstanding Water Bonds of 1951, dated December 1, 1951; and the outstanding Water Bonds of 1961, dated November 1, 1961.

Section 3. That a sworn statement of the debt of the City has been filed with the City Clerk and is open to public inspection.

Section 4. That this order shall take effect when approved by the voters of the City at a referendum as provided in said Act.

Richard A. Wood, Jr.
Mayor

William F. Wolcott, Jr.
City Clerk

Approved as to form:

William C. Moore

Thereupon, upon motion of Councilman Ochsenreiter, seconded by Councilman Morris and carried, the order entitled: "ORDER AUTHORIZING $8,250,000 WATER BONDS," as amended and hereinabove set forth, was read in full a third time and placed upon its final passage. The vote upon the final passage of said order was:

Ayes: Councilman Henry E. Colton, Ralph D. Morris, Jr., J. W. Hoyle, Eugene C. Ochsenreiter, Jr., and Vice-Mayor Calvin W. Marshall.

Nyes: None

The Mayor then announced that the order entitled: "ORDER AUTHORIZING $8,250,000 WATER BONDS" had been adopted.

The City Clerk was thereupon directed to publish said order once in The Asheville Times, together with the appended statement, as required by The Local Government Bond Act, as amended.

this would be the first increase since 1966. Councilman Colton added that this would be an equal increase both for the City and County consumers.

Mrs. Sonya Fredricks, residing at 31 Innsbrook Road, asked about the industrial users and the difference in their rates.

Mayor Wood explained that there were only about eight (8) industrial customers who use a large enough quanity to be classified under the industrial rate, with all other commercial users being charged the same rate as residential users.

Mr. George Tisdale, residing at 65 Shorewood Drive, Chairman of the Citizens Committee to promote the sale of the bonds, asked again, as information, when the General Refunding and Water Bonds of 1936, 1951 and 1961 would be refunded and if all these bonds carried the covenant restrictions which disallowed the consolidation.

Mayor Wood explained that the 1936 bonds would be completely refunded in 1976; the 1951 bonds in 1987, and the 1961 bonds in 1990, and that all three issues have the same covenant restrictions.

Mr. Tisdale said he was convinced that some immediate action needed to be taken to upgrade the water system and he felt that the voters should vote for the bond issue. However, he said, they should be assured that any action taken now would not restrict possibilities of a consolidated water system in the future.

Mr. Joe Young, residing at 211 Lynnwood Road, asked if the 10-15 per cent increase in the water rates would be put in effect regardless of whether the bond issue passed.

Mayor Wood did not make a positive statement but explained that the rates could be increased at any time due to the rising cost of the day to day operations of the Water Department. However, he said to pay off the bonds a definite 10-15 per cent increase would be necessary.

Mr. Legoy Ray, residing at 3 Wilburn Road, asked what action the city would take to improve the water system if the bond referendum failed.

Mayor Wood said that he did not know what the alternative was, as he knew of no other way for the City of Asheville to raise this amount of money to make the necessary improvements.

There being no further comments Mayor Wood closed the public hearing at 4:31 o'clock p. m.

Thereupon, upon motion of Councilman Ochsenreiter, seconded by Councilman Morris and carried, the order introduced and passed on first and second readings on February 5, 1974 entitled: "ORDER AUTHORIZING $,8250,000 WATER BONDS" was amended by deleting from Section 2 thereof the words, "issued under and pursuant to a resolution passed by the Council on November 15, 1951," and the words, "issued under and pursuant to a resolution passed by the Council on September 21, 1961," to read as follows:

The question hereinabove set forth contains a statement of the purpose for which the bonds are authorized by the order referred to in such question.

If said bonds are issued taxes in an amount sufficient to pay the principal and interest thereof will be levied upon all taxable property in the City of Asheville.

For said referendum the regular registration books for elections in the County of Buncombe will be used and the registration books, process or records will continue to be open for the acceptance of registration applications and the registration of qualified persons between the hours of 9:00 A. M. and 4:30 P. M. on Monday to Friday, inclusive, of each week at the office of the County Board of Elections of Buncombe County located in Room 301 of the Buncombe County Courthouse, City-County Plaza, in Asheville.

For said referendum the registrars for the precincts in the City of Asheville will also accept registration applications and register qualified persons. Qualified persons who desire to register with the registrars for their respective precincts should call the office of the County Board of Elections mentioned above at telephone number 255-5492 for information and direction.

Those residents of the City who are presently registered under Buncombe County's permanent registration system and who have not changed residence from one precinct to another will be permitted to vote in the special bond referendum.

The last day for new registration of those not now registered under Buncombe County's permanent registration system is Friday, March 8, 1974.

The last day on which registered voters who have changed residence from one precinct to another may transfer registration is Friday, March 8, 1974.

Qualified voters who are not certain whether they are registered should contact the County Board of Elections at the office of said Board mentioned above.

The registration books will be open to inspection by any registered voter of the City during the normal business hours of the County Board of Elections on the days when the office of said Board is open, and such days are Challenge Days.

The registrars, judges and other officers of elections appointed by the County Board of Elections will serve as the election officers for said referendum.

The County Board of Elections will conduct said referendum.

The precincts and voting places for said referendum, subject to change as provided by law, are as follows:

PRECINCT	VOTING PLACE
Asheville #1	Courthouse
Asheville #2	William Randolph School
Asheville #3	Claxton School
Asheville #4	North Asheville Community Center

Thereupon Councilman Colton introduced in written form the following resolution which was read: 153

RESOLUTION CALLING A SPECIAL BOND REFERENDUM

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. A special bond referendum is hereby called to be held between 6:30 A. M. and 7:30 P. M., on Saturday, April 6, 1974, at which there shall be submitted to the qualified voters of the City of Asheville the question stated in the Notice of Special Bond Referendum set forth in Section 3 of this resolution.

Section 2. For said referendum, (i) the regular registration books for elections in Buncombe County shall be used and the registration books, process or records shall be open for the registration of qualified persons and for public inspection in the manner, under the conditions and at the times and places as provided in said notice set forth in Section 3 of this resolution. (ii) the registrars, judges and other officers of elections appointed by the County Board of Elections of Buncombe County for the several precincts and voting places in said City shall be the election officers for such precincts and voting places, and (iii) the precincts and voting places shall be those fixed by said County Board of Elections as provided in said notice set forth in Section 3 of this resolution, subject to change as provided by law. The County Board of Elections of Buncombe County is hereby requested to conduct said referendum and to take all necessary steps to that end in accordance with the provisions of this section.

Section 3. The City Clerk shall cause a notice to be published in The Asheville Times once at least fourteen days before March 8, 1974 (being the last day on which persons may register for said referendum) and once again not less than seven days before said day, such notice to read substantially as follows:

NOTICE OF SPECIAL BOND REFERENDUM
in the
CITY OF ASHEVILLE, NORTH CAROLINA

A special bond referendum will be held between 6:30 A. M. and 7:30 P. M., on Saturday, April 6, 1974, at which there will be submitted to the qualified voters of the City of Asheville the following question:

> Shall the order adopted on February 19, 1974, authorizing not exceeding $8,250,000 Water Bonds of the City of Asheville, North Carolina, for the purpose of providing funds, with any other available funds, for improving, reconstructing, enlarging, and extending the waterworks system of said City within and without the corporate limits of said City, including the construction and installation of additional water treatment, storage, and related facilities, laboratory and other water quality monitoring facilities, additional reservoir protection facilities, and additional water mains and lines, the relocation of water mains, and the acquisition of necessary land, rights of way, and equipment, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

2. To vote against the order make a cross (X) mark in the square to the right of the word "NO".

3. If you tear or deface or wrongly mark this ballot, return it and get another.

YES . . . . . NO . . . . .

Shall the order adopted on February 19, 1974, authorizing not exceeding $8,250,000 Water Bonds of the City of Asheville, North Carolina, for the purpose of providing funds, with any other available funds, for improving, reconstructing, enlarging, and extending the waterworks system of said City within and without the corporate limits of said City, including the construction and installation of additional water treatment, storage, and related facilities, laboratory and other water quality monitoring facilities, additional reservoir protection facilities, and additional water mains and lines, the relocation of water mains, and the acquisition of necessary land, rights of way, and equipment, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

(Facsimile of Signature)
Chairman of County Board of Elections

Section 5. The City Clerk is hereby directed to mail or deliver a certified copy of this resolution to the County Board of Elections of Buncombe County within three days after the adoption hereof.

Section 6. This resolution, being a resolution directing administrative action, shall take effect immediately.

Richard A. Wood, Jr.
Mayor

William F. Wolcott, Jr.
City Clerk

Approved as to form:

William C. Moore
Corporation Counsel

Thereupon, upon motion of Councilman Colton, seconded by Councilman Morris, the foregoing resolution entitled: "RESOLUTION CALLING A SPECIAL BOND REFERENDUM" was passed by the following vote:

Ayes: Councilman Henry E. Colton, Ralph D. Morris, Jr., J. W. Hoyle, Eugene C. Ochsenreiter, Jr., and Vice-Mayor Calvin W. Marshall.

Noes: None

Asheville	#5	Jones Shcool
Asheville	#6	East Asheville Community Center
Asheville	#7	Newton School
Asheville	#8	Biltmore School
Asheville	#9	Murphy Community Center
Asheville	#10	Livingston School
Asheville	#11	S. French Broad High School
Asheville	#12	Hall Fletcher School
Asheville	#13	Eugene Rankin School
Asheville	#14	Aycock School
Asheville	#15	Vance School
Asheville	#16	West Asheville Community Center
Asheville	#17	325 Charlotte Street

PAUL MEEKER
Chairman of County Board of Elections

WILLIAM F. WOLCOTT, JR.
City Clerk

Section 4. The form of the question to appear in the ballot frames of the voting machines to be used at said referendum shall be substantially as follows:

WATER BONDS	YES NO	Shall the order adopted on February 19, 1974, authorizing not exceeding $8,250,000 Water Bonds of the City of Asheville, North Carolina, for the purpose of providing funds, with any other available funds, for improving, reconstructing, enlarging, and extending the waterworks system of said City within and without the corporate limits of said City, including the construction and installation of additional water treatment, storage, and related facilities, laboratory and other water quality monitoring facilities, additional reservoir protection facilities, and additional water mains and lines, the relocation of water mains, and the acquisition of necessary land, rights of way, and equipment, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, be approved?

The form of the paper ballots to be used at said referendum shall be substantially as follows:

OFFICIAL BALLOT
SPECIAL BOND REFERENDUM
CITY OF ASHEVILLE, NORTH CAROLINA

April 6, 1974

Instructions

1. To vote in favor of the order make a cross (X) mark in the square to the right of the word "YES".

Thursday - February 21, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, Ralph D. Morris, Jr., J. W. Hoyle, Eugene C. Ochsenreiter, Jr., Bill B. Horton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of the February 14, 1974 and February 19, 1974 meetings.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, the minutes of the February 14, 1974 and February 19, 1974 meetings were approved as submitted.

RESOLUTION NO. 74-34 - RESOLUTION AND ORDER CLOSING AN UN-NAMED STREET AND ALLEY (OFF MELROSE AVENUE)

2. Consideration was given to a resolution and order closing an un-named street and alley off Melrose Avenue.

The City Manager read the resolution and order.

No one appeared in opposition to the closing of the alley.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, Resolution No. 74-34 was unanimously adopted.

Complete text of Resolution No. 74-34 will be found in Resolution Book No. 7 at page 206.

ORDINANCE NO. 796 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 56 AND 72 CLEMMONS STREET, 3 HIGGINS PLACE, AND 76 PINE STREET

3. Consideration was given to the second reading of Ordinance No. 796, an ordinance directing the Housing Officer to demolish those houses known as 56 and 72 Clemmons Street, 3 Higgins Place, and 76 Pine Street.

Mayor Wood announced that since the ordinance was read in its entirety before the first reading it would not be read again unless someone specifically requested it. He did request the City Manager to read again the addresses and owners of the houses listed for demolition.

On a roll call vote of 6 - 0, Ordinance No. 796 was passed on the second reading.

ORDINANCE NO. 794 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS " AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (McDowell Street)

4. Consideration was given to the third and final reading of Ordinance No. 794, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (McDowell Street).

Thereupon the order entitled: "ORDER AUTHORIZING $8,250,000 WATER BONDS" and the resolution entitled: "RESOLUTION CALLING A SPECIAL BOND REFERENDUM" were authenticated by the signatures of the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said order and said resolution his approval of the forms thereof.

Adjournment

Richard D. Wood, Jr.
Mayor

William J. Malcarney
City Clerk

PETITION - REQUEST FOR REZONING

The City Manager presented a petition to rezone Lot 58-3/4, Ward 8, Sheet 10 from RA-6 to Roadside Business.

In the absence of an objection from Council Mayor Wood referred the petition to the Planning and Zoning Commission for their review and recommendation.

RESIGNATION OF PHILIP C. COCKE - DIRECTOR OF PUBLIC WORKS

The City Manager reported to Council that he had received the letter of resignation from Philip C. Cocke, Director of Public Works, effective February 15, 1974. He said that the letter of resignation dated February 4, 1974 was for personal reasons and he did not feel that it was influenced by the recent city reorganization.

REPORT OF CITY MANANGER - COMPLAINT OF SHORT EAGLE STREET

The City Manager reported that, following the complaint of Mr. A. C. Mitchell regarding the condition of Short Eagle Street, he had ordered extensive maintenance to this street and that the work should be completed.

REQUEST FOR MINORITY REPRESENTATION ON CITY STAFF

Mr. Lawrence Gilliam, president of Alpha Phi Alpha Fraternity, told Council that his organization was concerned that with the reorganization of the City government not a single black person was included at the department head level. He read the following letter which he requested be made a part of the minutes.

GAMMA PSI LAMBDA CHAPTER
Alpha Phi Alpha Fraternity, Inc.
Asheville, North Carolina

February 20, 1974

Mr. Ernest J. Ward
City Manager, City of Asheville
City Hall Building
Asheville, N. C. 28807

Dear Mr. Ward:

At our regular meeting, we read and discussed the newspaper article which describes the re-organization of City government.

It is our greatest concern that this re-organization does not include a single black person or any other minority at the Department Head level.

This letter is intended to register our serious dissatisfaction and to also make you aware of the fact that there is tremendous unrest within our community over the recent exclusion of any minorities as responsible salaried officials.

It is generally agreed that this omission was perhaps an oversight. We are, therefore, requesting an appointment to meet with you as soon as possible regarding the re-organizational structure.

Please notify me as to when we can meet and discuss this matter in detail with you. In view of the fact that our organization is made up of professional men, I would like to suggest a time not conflicting with the regular work day. In the event that this is not possible, we have a committee that will meet with you any time that you specify.

Mayor Wood announced that the ordinance had been read as required; that Council had been furnished copies of the ordinance, and that unless specifically requested it would not be read again in its entirety.

Upon a roll call vote of 6 - 0, Ordinance No. 794 was passed on the third and final reading.

Complete text of Ordinance No. 794 will be found in Ordinance Book No. 6 at page 56.

RESOLUTION NO. 74-35 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR A 10-INCH WATER LINE FROM SWEETEN CREEK ROAD WEST TO THE COCA COLA PLANT SITE ON HAYWOOD ROAD, LIMESTONE TOWNSHIP.

5. Consideration was given to a resolution authorizing the Mayor to execute right of way encroachment agreement with the North Carolina State Board of Transportation for a 10-inch water line from Sweeten Creek Road west to the Coca Cola Plant site on Haywood Road, Limestone Township.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 74-35 was unanimously adopted.

Complete text of Resolution No. 74-35 will be found in Resolution Book No. 7 at page 208.

GASOLINE SITUATION - REPORT OF CHIEF J. C. HALL

Chief Hall reported to Council that he was encountering considerable traffic problems during the hours service stations are issuing gas. He said he just did not have the personnel to cope with it. He said if the motorists would line up on the same side of the street on which the station is located, and would keep the driveway entrances to residences and businesses open, it would be of great assistance to his department. He said he was asking for the public's cooperation during this crisis.

Vice-Mayor Marshall said that he was scheduled to attend a jobbers meeting that evening and would convey to this group Chief Hall's request. It was his suggestion that instead of the station operators being opened at various hours during the day they should all be open at specified hours. He said this would mean that the lines would only be formed at one time rather than continuously all day. Mayor Wood commented that he did not think the City could regulate the hours, but he said the City would regulate the traffic on the streets.

Mayor Wood said that he had recently been advised by the Asheville Transit Authority that a commuter plan was being developed to encourage the use of the buses during the emergency. He said the plan would offer convenient transportation to downtown at reduced weekly rates.

Councilman Horton suggested a public statement by Chief Hall asking the cooperation of the public in maintaining orderly lines and not blocking streets and driveways. Chief Hall advised him that this request had already been sent to all news media.

Regular Meeting

Present: Vice-Mayor Calvin W. Marshall, Presiding; Councilmen Henry E. Colton, J. W. Hoyle, Eugene C. Ochsenreiter, Jr., Bill B. Horton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Richard A. Wood, Jr., and Councilman Ralph D. Morris, Jr.

1. Approval of minutes of the February 21, 1974 meeting.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Colton, the minutes of the February 21, 1974 meeting were approved as submitted.

ORDINANCE NO. 796 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE HOUSES KNOWN AS 56 AND 72 CLEMMONS STREET, 3 HIGGINS PLACE AND 76 PINE STREET

2. Consideration was given to the third and final reading of Ordinance No. 796, an ordinance directing the Housing Officer to demolish those houses known as 56 and 72 Clemmons Street, 3 Higgins Place and 76 Pine Street.

Vice-Mayor Marshall announced that since the ordinance had been read in its entirety before the first reading it would not be read again unless someone specifically requested it. He did request that the City Manager repeat the reading of the addresses and owners of the houses listed for demolition.

On a roll call vote of 4 - 0, Ordinance No. 796 was passed on the third and final reading.

Complete text of Ordinance No. 796 will be found in Ordinance Book No. 6 at page 58.

RESOLUTION NO. 74-36 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE AMENDMENT TO LEASE AGREEMENT WITH INSURANCE INDUSTRIES, INC.

3. Consideration was given to a resolution authorizing the Mayor to execute an amendment to the lease agreement with Insurance Industries, Inc.

The City Manager read the resolution, and called on William C. Moore, Corporation Counsel, to comment on the amendment to the lease. Mr. Moore explained that the lease would remain the same except for the extension of the starting and completion date for the construction of the motel and that he would recommend approval of the amendment.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Horton, Resolution No. 74-36 was unanimously adopted.

Complete text of Resolution No. 74-36 will be found in Resolution Book No. 7 at page 209.

Your immediate consideration of this request will be greatly appreciated. I can assure you that we are genuinely concerned and willing to help in any way we can.

Sincerely,

/s Lawrence Gillian

Lawrence Gillian
President

LG:df

Enclosure

cc: Members of City Council

Adjournment

Richard D. Wood Jr.
MAYOR

William F. McEvoy
CITY CLERK

March 7, 1974

NO COUNCIL MEETING.

BIDS ON LOTS 97, 98, 99, 100, SHEET 13, WARD 5

The City Clerk reported that he had received a check for $400.00 from Mr. Carl Hyldburg, attorney for Mrs. Jensie Cordell, as payment for the purchase of Lots 97, 98, 99, 100, Sheet 13, Ward 5. He advised Council that the offer had just been received and the determination had not been made as to whether or not the City held title to the lots. Vice-Mayor Marshall requested the City attorney to look into the matter and make his recommendation to Council.

COUNCILMAN HORTON - NEW TAX EVALUATION

Councilman Horton reported that, from the telephone calls he had been receiving, citizens were concerned over the increases in the new assessed valuation of their property. He explained that under the State Statutes the tax department was compelled to assess on 100% of the actual value rather than 70% as was done in the past. He said this adjustment alone would increase the assessed value 43%. He explained that the new appraisals would also have some bearing on the 1974 evaluation. He said the increase in the 1974 assessed valuation would have to be in excess of 143% of the previous assessed value, before an increase would be reflected in the new evaluation. He said that it was possible that some taxes would be lower in 1974 than in 1973.

CHIEF HALL - REPORT ON GASOLINE SITUATION

Chief J. C. Hall reported that the long lines at the service stations, which had caused considerable traffic problems during the first few weeks of the gasoline shortage, were now beginning to shorten and that his department was finding the situation greatly improved.

SENIOR CITIZENS - FREE BUS TRANSPORTATION

Several senior citizens appealed to Council to give every consideration to the continuation of free bus transportation at reduced prices.

RICHARD PLEMMONS - COMPLAINTS

Richard Plemmons of Plemmons Manufacturing Company on Depot Street complained of a stopped up sewer in front of his business. He said the raw sewerage was backing up and coming out of his water meter and that it was running down the street. He said he had received very little relief from the City.

He also complained of the rate schedule set up for the new Civic Center. He said that rates were too high and discriminated against local performers. Vice-Mayor Marshall advised him that the rates were in line with similar centers throughout the state.

Mr. Plemmons told Council that he was not receiving adequate police protection and that his place of business had been subject to frequent break-ins.

The City Manager took note of the complaints and advised Council that he would look into them.

Adjournment.

Richard A. Wood Jr.
MAYOR

Miriam S. Holcomb
CITY CLERK

J. E. Johnson, Chief Building Inspector, reported that most of the dwellings in this area were substandard and some needed to be demolished.

Councilman Horton noted that there were other areas zoned industrial with street widths not exceeding 17 feet.

Councilman Morris commented that Mrs. Mountney was being denied the use of her property since it was not suitable for residential and zoning prohibited its use for industrial development.

On inquiry, Councilman Colton was advised that about three years ago, a comprehensive study to establish industrial zoning boundaries was done in this area, but was never put into effect.

There being no further discussion, Mayor Wood closed the public hearing at 3:50 o'clock p. m. He then requested the City Manager to read the previously prepared ordinance which would amend the zoning ordinance rezoning Mrs. Mountney's property in accordance with her request.

Councilman Ochsenreiter moved for the adoption of the ordinance which was seconded by Vice-Mayor Marshall.

In the discussion, Councilman Colton suggested that new zoning boundaries be established for the entire area rather than for one or two individual lots. His suggestion was supported by both Councilman Ochsenreiter and Councilman Morris. However, Vice-Mayor Marshall stated that he felt Mrs. Mountney had already been penalized with delays and he suggested that Council proceed with the problem at hand and take further action at a later date.

On a roll call vote of 6-0, Ordinance No. 797 was passed on the first reading. Mayor Wood scheduled the next reading for the following meeting.

Councilman Colton then moved that the Planning and Zoning Commission be requested to make a further study of this area in view of establishing new industrial boundaries. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

RESOLUTION NO. 74-37 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AGREEMENT BETWEEN THE BUNCOMBE COUNTY BOARD OF ELECTIONS AND CITY OF ASHEVILLE

3. Consideration was given to a resolution authorizing the Mayor to execute agreement between the Buncombe County Board of Elections and City of Asheville.

Corporation Counsel William C. Moore advised Council that in accordance with the North Carolina General Statutes he had negotiated an agreement with the Buncombe County Board of Elections establishing the cost of conducting City elections. In general he said the agreement called for the City to pay $800.00 per election for the use of the voting machines for all elections and the payment of 2/3 the cost of each City election. He recommended acceptance of the agreement.

Upon motion of Councilman Horton, seconded by Councilman Hoyle, Resolution No. 74-37 was unanimously adopted.

Complete text of Resolution No. 74-37 will be found in Resolution Book No. I at page 210.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, Ralph D. Morris, Jr., J. W. Hoyle, Eugene C. Ochsenreiter, Jr., Bill B. Horton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of the February 28, 1974 meeting.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, the minutes of the February 28, 1974 meeting were approved as submitted.

PUBLIC HEARING - REZONING OF LOTS 226-227, WARD 7, SHEET 16 - REZONE FROM RA-6 RESIDENTIAL TO INDUSTRIAL

ORDINANCE NO. 797 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED.

2. A public hearing was held to consider the rezoning request of Mrs. Willie Ethel R. Mountney to rezone Lots 226-227, Ward 7, Sheet 16 from RA-6 Residential to Industrial.

Mayor Wood opened the public hearing at 3:06 o'clock p. m.

The City Manager was requested to read the notice of the hearing and the affidavit of publication.

Mr. Verl Emrick, Planner for the Metropolitan Planning Commission, read a recommendation from the Planning and Zoning Commission which denied the request. They further recommended that until proper standards for construction and flood proofing in flood prone districts were adopted by the City, that an immediate city-wide moratorium be imposed on further development in the flood prone areas.

Mr. Emrick cited the unaccessability to the property due to substandard rights of way and present street widths; major safety hazards because of congestion; the substandard bridge crossing the Swannanoa River leading to the area and that the property was within the flood fringe area of the Swannanoa River, as the planning staff's reasons for recommending that the petition be denied.

It was conceded in answer to Councilman Morris's comments that it would be safer for a factory to be located in the flood prone area rather than a residence that could be subject to flooding conditions at night.

Mrs. Mountney in her argument for the rezoning stated that in her opinion the property was most undesirable for residential use because of the danger of flooding. In rebuttal to the planners contention that the property was unaccessable, she stated that there were three access routes to the area. She cited Thompson Street, State Road No. 81 with the bridge across the Swannanoa River and the approach from the Oakley section. She said she could not dispose of the property for residential use but that she did have people interested in building a warehouse.

RESOLUTION NO. 74-39 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENTS WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION FOR WATER LINE CONNECTIONS ON U. S. HWY. 25 LIMESTONE TOWNSHIP, BUNCOMBE COUNTY, CITY OF ASHEVILLE

6. Consideration was given to a resolution authorizing Mayor to execute right of way encroachment agreements with the North Carolina State Highway Commission for water line connections on U. S. Hwy. 25 Limestone Township, Buncombe County, City of Asheville.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 74-39 was unanimously adopted.

Complete text of Resolution No. 74-39 will be found in Resolution Book No. 7 at page 212.

RESOLUTION NO. 74-40 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN APPLICATION FOR APPROVAL OF PLANS AND SPECIFICATIONS FOR EXTENSION OF WATER LINES TO SERVE PROPOSED COCA-COLA PLANT SITE

7. Consideration was given to a resolution authorizing Mayor to sign application for approval of plans and specifications for extension of water lines to serve proposed Coca-Cola Plant Site.

The City Manager read the resolution.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall, Resolution No. 74-40 was unanimously adopted.

Complete text of Resolution No. 74-40 will be found in Resolution Book No. 7 at page 213.

REZONING - MR. AND MRS. SHUFORD H. HALL - ARLINGTON STREET - WARD 2, SHEET 17, LOTS 7, 9-1/2, 10-1/2, AND 97

8. Consideration was given to the request for rezoning Lots 7, 9-1/2, 10-1/2, and 97, from RA-9 Residential District to RA-M Residential District.

The City Manager read a letter from the Planning and Zoning Commission recommending that the request be denied.

The City Manager advised Council that even though the petition had been denied by the Planning and Zoning Commission, the petitioner, Mr. and Mrs. Shuford H. Hall, had requested a public hearing.

Councilman Horton moved that the petitioner's request be granted; that the public hearing be held on April 4, 1974, and that the legal advertisement be published at the petitioner's expense. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

RESOLUTION NO. 74-38 - RESOLUTION AUTHORIZING THE EXECUTION OF A THIRD PARTY CONTRACT BETWEEN THE CITY OF ASHEVILLE AND THE GREATER ASHEVILLE EDUCATIONAL RADIO ASSOCIATION, INC. FOR THE OPERATION OF THE "EDUCATIONAL RADIO BROADCAST SERVICES" PROJECT OF THE THIRD ACTION YEAR COMPREHENSIVE CITY DEMONSTRATION PROGRAM

4. Consideration was given to a resolution authorizing the execution of a third party contract between the City of Asheville and the Greater Asheville Educational Radio Association, Inc. for the operation of the "Educational Radio Broadcast Services" Project of the Third Action Year Comprehensive City Demonstration Program.

The City Manager presented the resolution.

On inquiry from Council, James Robinson, President of GAERA, explained that GAERA was educational F M.Radio Staeion which would cover educational, entertainment, cultural and informational program eighteen hours a day, seven days a week. He said it would cover 17 miles and its primary audience would be the disadvantaged whites and blacks concentrated within the inner city. He said the $10,000 being requested from Model Cities funds would be used in the most part for operations.

Councilman Ochsenreiter moved for the adoption of the resolution which was seconded by Councilman Colton and carried unanimously.

Complete text of Resolution No. 74-38 will be found in Resolution Book No. 7 at page 211.

BIDS - STAGE EQUIPMENT FOR THE CIVIC CENTER

5. Consideration was given to bids received March 11, 1974 for Dimmerboard, Stage Curtains, and Follow Spotlight for the Asheville Civic Center.

The City Manager presented the bids and read a memorandum from the Purchasing Agent recommending the low bid for each item.

Mayor Wood questioned the discrepancy for Item 2 between $4,581.42 as shown on the bid sheet and the $5,257.80 recommended. James Evans, Civic Center Manager, advised him that the difference represented an extra drape as an alternate and he recommended that it be included.

Councilman Morris moved for the acceptance of the low bid for each item including the alternate bid for item #2. This motion was seconded by Councilman Horton and carried unanimously.

Bid Summary No.202 - Dimmerboard, Stage Curtains, and follow spotlight

	Bids		
Bidder	Item #1 Dimmerboard	Item #2 Stage Curtains	Item #3 Follow Spotlight
HUB Electric Company, Inc.	$12,839.00	No Bid	$3,185.00
Standard Theater Supply	No Bid	$5,257.80	$2,500.00
American Scenic Company, Inc.	12,240.00	$5,934.00	$2,839.00

POLICE CARS - MARKINGS

Mayor Wood called attention to the new markings to be used on all police cars and commended Chief Hall in putting this into effect.

FREE BUS TICKETS FOR SENIOR CITIZENS

Several senior citizens again appealed to Council to continue the free bus ticket program for the Senior Citizens Group. Logan Delany told Council that the money and tickets had run out. He said if funds are available at a later date, then it might be allocated for more passes.

50th ANNIVERSARY OF THE ASHEVILLE FIRE DEPARTMENT - SUGGESTION FROM JAMES GREY

Mr. James Grey called attention to the 50th Anniversary of the Asheville Fire Department on April 1, 1974. He suggested that steps be taken to schedule a parade or some event in recognition of this date. Mayor Wood advised him that plans were already under way along this line.

Adjournment.

Richard A. Wood Jr.
MAYOR

William J. Maccotter
CITY CLERK

REZONING - MR. AND MRS. G. W. LAMBERT BY WACHOVIA BANK - VERMONT AVENUE- WARD 5, SHEET 12, LOT 201

9. Consideration was given to the request for rezoning Lot 201, Sheet 12, Ward 5 from RA-6 Residential to Business.

The City Manager read a letter from the Planning and Zoning Commission which recommended that the request be granted.

Councilman Ochsenreiter moved that the public hearing be held on April 4, 1974 and that the legal advertisement be published at the petitioner's expense. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

REZONING - MR. JAMES P. ROBERTS - WHITE PINE DRIVE

10. Consideration was given to the request for rezoning Lot 58-3/4, Sheet 10, Ward 8 from RA-6 Residential to Roadside Business Area.

The City Manager read a letter from the Planning and Zoning Commission recommending that the request be denied.

The City Manager advised Council that even though the petition had been denied by the Planning and Zoning Commission, the petitioner, Mr. James P. Roberts, had requested a public hearing.

Councilman Morris moved that the petitioner's request be granted; that the public hearing be held on April 11, 1974, and that the legal advertisement be published at the petitioner's expense. This motion was seconded by Councilman Hoyle and carried unanimously.

CLAIM FOR DAMAGES - HARLEY WARREN BURLESON

The City Manager reported that he had received a claim for damages from Mr. Harley Warren Burleson and wife Ruby M. Burleson. He was instructed to refer the claim to the Corporation Counsel.

REPORT OF CITY MANAGER ON RICHARD PLEMMONS COMPLAINTS

The City Manager reported that the complaints of Richard Plemmons presented at the February 28, 1974 meeting, as they pertained to the City of Asheville, had been corrected.

MODEL CITIES RESOLUTION - SENIOR OPPORTUNITIES PROJECT BUILDING

Logan Delany, Model Cities Director, presented for the record a copy of a resolution passed by the Model Cities Commission recommending the purchase of the Senior Opportunities Project building on Grove Street under the Third Action Year Comprehensive City Demonstration Program.

PROCLAMATION - HIRE THE OLDER WORKER WEEK - MARCH 10-16

Mayor Wood proclaimed the week of March 10-16 as "Hire the Older Worker Week."

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, Resolution No. 74-41 was unanimously adopted.

Complete text of Resolution No. 74-41 will be found in Resolution Book No. 7 at page 214.

RESOLUTION NO. 74-42 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE BETWEEN THE CITY OF ASHEVILLE AND THE ASHEVILLE AA BASEBALL, INC.

5. Consideration was given to a resolution authorizing the Mayor to execute a lease between the City of Asheville and the Asheville AA Baseball, Inc.

The City Manager presented the resolution and called on Mr. Ray Kisiah, Director of Parks and Recreation, to review the resolution for Council.

Mr. Kisiah explained that the new lease to the Asheville AA Baseball, Inc. was generally the same as the 1973 lease with the City furnishing McCormick Field at $1.00 per year plus 30% of the lessee's first $5,000 net profit before taxes; 25% of lessee's next $5,000 net profit before taxes; and 20% of all lessee's net profit in excess of $10,000.

He then introduced Jim Duffy, General Manager for the 1974 season. Mr. Duffy explained that the Orioles was the only Class AA Baseball team in either North or South Carolina. He said he hoped for a better attendance over the past year and that the first home game would be April 22nd with the season opening April 16th with an out-of-town game.

Upon motion of Councilman Hoyle, seconded by Councilman Horton, Resolution No. 74-42 was unanimously adopted.

Complete text of Resolution No. 74-42 will be found in Resolution Book No. 7 at page 215.

BIDS - THIRTY SETS BLEACHER FRAMES FOR PARKS AND RECREATION DEPARTMENT

6. Consideration was given to bids received March 11, 1974 for thirty (30) sets of bleachers (frames only) for the Parks and Recreation Department.

The City Manager presented the bids and read memorandums from the Purchasing Agent and the Director of Parks and Recreation recommending the award to Cunningham Associates, Inc. in the amount of $4,916.40.

Mr. Kisiah advised Council that these bleachers would be used mainly in Weaver Park, the new West Asheville Park, and Riverside Drive but could be transported to other parks as needed.

Councilman Morris moved to accept the low bid of Cunningham Associates, Inc. in the amount of $4,916.40. Councilman Colton seconded this motion, which carried unanimously.

Bid Summary - Bid Request No. 201 - Thirty (30) sets bleacher frames for Parks-Recreation

Bidder	Bid
Cunningham Associates, Inc.	$ 4,916.40
Game Time, Inc.	5,205.00

Thursday - March 21, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marsahll, Councilmen Henry E. Colton, Ralph D. Morris, Jr., Bill B. Horton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman EugeneCC. Ochsenreiter, Jr.

1. Approval of minutes of the March 14, 1974 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Horton, the minutes of the March 14, 1974 meeting were approved as submitted.

ORDINANCE NO. 797 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Glendale Avenue)

2. Consideration was given to the second reading of Ordinance No. 797, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Glendale Avenue)

Upon a roll call vote of 5 - 0, Ordinance No. 797 passed on its second reading.

SUBDIVISION OF PORTION OF UNIT TWO - CIVIC REDEVELOPMENT PROJECT N. C. R-13

3. Consideration was given to a recommendation from the Planning and Zoning Commission for approval of the final plat of the subdivision of a portion of Unit Two of the Civic Redevelopment Project N. C. R-13.

Mr. Wilbur King, Acting Director of the Asheville Housing Authority, reviewed with Council the three pieces of property that were involved in this section and advised that all three pieces would be purchased by adjoining property owners. He said that one large tract was being reserved for the extension of Spruce Street leading to Beaucatcher Tunnel and that the North Carolina Department of Transportation had shown an interest in purchasing this tract.

The City Manager reported that he had received memorandums from the Planning and Zoning Commission, Corporation Counsel, and the Director of Public Services recommending approval of the plat.

Councilman Colton moved to approve the final plat of the subdivision of a portion of Unit Two of the Civic Redevelopment Project N. C. R-13, which was seconded by Councilman Morris and carried unanimously.

RESOLUTION NO. 74-41 - RESOLUTION AUTHORIZING THE CITY STREET DEPARTMENT TO TAKE OVER AND MAINTAIN FROM AND AFTER JUNE 24, 1974 STREETS AND ROADS WITHIN THE AREA ANNEXED TO THE CITY BY ORDINANCE NO. 791 BECOMING EFFECTIVE JUNE 24, 1974

4. Consideration was given to a resolution authorizing the City Street Department to take over and maintain from and after June 24, 1974 streets and roads within the area annexed to the City by Ordinance No. 791 becoming effective June 24, 1974.

The City Manager presented the resolution and explained that this was routine procedures within a newly annexed area.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., J. W. Hoyle, Bill B. Horton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of the March 21, 1974 meeting.

Councilman Horton called attention to an omission in the March 21, 1974 minutes relative to the action taken by Council on Resolution No. 74-42 which authorized the Mayor to execute a lease between the City and the Asheville Orioles Baseball Club. He was advised by the City Clerk that the omission was noted and would be corrected.

Councilman Morris moved for the adoption of the minutes as corrected. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

ORDINANCE NO. 797 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Glendale Avenue)

2. Consideration was given to the third reading of Ordinance No. 797, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Glendale Avenue).

Mayor Wood commented that Council had been furnished with copies of the ordinance and unless there was a specific request it would not be read again in its entirety.

On a roll call vote of 5 - 0, Ordinance No. 797 was passed on the third and final reading.

Complete text of Ordinance No. 797 will be found in Ordinance Book No. 6 at page 61.

SALE OF PARCEL 8-C- CIVIC REDEVELOPMENT PROJECT N. C. R-13

3. Consideration was given to the approval of the sale of parcel 8-C in the Civic Redevelopment Project N. C. R-13.

The City Manager read a memorandum from W. C. King, Acting Executive Director of the Asheville Housing Authority, recommending the approval of the bid received from Beverly-Grant, Inc. in the amount of $140,000.00.

Mr. King advised the Council that Beverly-Grant, Inc. bid was for 99,999.94 square feet at the minimum approved price of $1.40 per square feet. He said the proposed improvement would consist of the construction of a three level office building with 33,600 square feet of rentable space and a total floor area of 40,400 square feet. He said the estimated cost of the structure was $807,600.00. He said it was his opinion that this was the best use for the property and recommended approval of the bid offer. He said that the deed could not be delivered nor the grading done on the property, until the completion of the utility relocation in connection with the construction of Charlotte Street.

RESOLUTION NO. 74-43 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CAROLINA POWER AND LIGHT COMPANY FOR THE SUPPLY OF ELECTRICITY TO THE RECREATION FACILITIES AND SWIMMING POOL ON GASHES CREEK ROAD (CITY OF ASHEVILLE RECREATION PARK)

7. Consideration was given to a resolution authorizing the Mayor to enter into an agreement with the Carolina Power and Light Company for the supply of electricity to the Recreation Facilities and Swimming Pool on Gashes Creek Road (City of Asheville Recreation Park).

The City Manager presented the resolution and explained that this was a routine lease, with the City having an option of paying $33.00 per month or $1,980.00 per year for this service.

Councilman Morris moved for the adoption of the resolution, which was seconded by Councilman Colton and carried unanimously.

Complete text of Resolution No. 74-43 will be found in Resolution Book No. 7 at page 216.

Adjournment.

Richard D. Wood Jr.
MAYOR

William F. Nolan
CITY CLERK

RESOLUTION NO. 74-46 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN APPLICATION FOR APPROVAL OF PLANS AND SPECIFICATIONS FOR EXTENSION OF WATER LINES TO SERVE PROPOSED DAISY HILL SUBDIVISION

7. Consideration was given to a resolution authorizing the Mayor to sign application for approval from the State Health Department for extension of water lines to serve proposed Daisy Hill Subdivision.

The City Manager read the resolution and explained that this was a routine application required by the North Carolina Department of Human Resources, Division of Health Services.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 74-46 was unanimously adopted.

Complete text of Resolution No. 74-46 will be found in Resolution Book No. 7 at page 219.

RESOLUTION NO. 74-47 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE EXTENSION ACROSS SR 3181, LIMESTONE TOWNSHIP

8. Consideration was given to a resoluton authorizing Mayor to execute fight of way encroachment agreement with the North Carolina State Board of Transportation for water line extension across SR 3181, Limestone Township.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 74-47 was unanimously adopted.

Complete text of Resolution No. 74-47 will be found in Resolution Book No. 7 at page 220.

REZONING PETITION - FRED PEARLMAN - BETWEEN 669 MERRIMON AVENUE AND 32 LONG STREET

9. The City Manager presented a petition from Fred Pearlman, owner of a piece of property lying between 669 Merrimon Avenue and 32 Long Street requesting that said property be rezoned from RA-6 Residential to Neighborhood Trading Area.

In the absence of any objection from members of Council Mayor Wood referred the petition to the Planning and Zoning Commission for study and recommendation.

SIGN PERMIT - HILTON INN - PATTON AVENUE

10. Consideration was given to the approval of an application for a directional sign for the Hilton Inn, to be located on the T. C. Smith property on the East side of the Hanover connector.

Councilman Morris being advised by the Corporation Counsel that this understanding could be stipulated, moved for the approval of the sale of parcel 8-C to Beverly-Grant, Inc. in the amount of $140,000.00, with the stipulation that the sale would not be closed until the necessary utility relocations were completed. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

APPROVAL OF FINAL SUBDIVISION PLAT - CAMELOT SECTION IV

4. Consideration was given to the approval of the final subdivision plat for Camelot Section IV.

The City Manager read memorandums from the Planning and Zoning Commission, the Corporation Counsel, and the Director of Public Services advising Council that they had reviewed the plat and found that it conformed to the necessary subdivision regulations.

Councilman Colton moved for the approval of the plat which was seconded by Councilman Hoyle and carried unanimously.

RESOLUTION NO. 74-44 - RESOLUTION REGARDING AUDITING CONTRACT

5. Consideration was given to a resolution directing the City Manager to execute a contract with the auditing firm of Calder and Crawley Company of Asheville, North Carolina for the fiscal year ending June 30, 1974.

The City Manager read the resolution.

Upon motion of Councilman Horton, seconded by Councilman Morris, Resolution No. 74-44 was unanimously adopted.

Complete text of Resolution No. 74-44 will be found in Resolution Book No. 7 at page 217.

RESOLUTION NO. 74-45 - RESOLUTION COMMEMORATING THE 50TH ANNIVERSARY OF THE ASHEVILLE FIRE DEPARTMENT

6. Consideration was given to a resolution commemorating the 50th Anniversary of the Asheville Fire Department.

The City Manager read the resolution.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall, Resolution No. 74-45 was unanimously adopted.

Fire Chief Powell Ball advised Council that the Fire Department would celebrate the anniversary by holding open house at all stations from 9:a. m. to 9:p. m. He said that fire equipment would also be on display at Pritchard Park and personnel would be available to talk with the public.

Complete text of Resolution No. 74-45 will be found in Resolution Book No. 7 at page 218.

MRS. ROY ROGERS - REQUEST PURCHASE OF SENIOR CITIZENS BUILDING ON GROVE STREET

Mrs. Roy Rogers again appealed to Council to make some decision for the purchase of the Senior Citizens Building on Grove Street. She said that her group desperately needed a new kitchen which could not be made until the building was purchased.

She was advised that a new lease, which included an option to purchase the property, had been entered into and that a real estate appraiser had been employed to appraise the property and further action would have to be delayed until after the appraisal.

Adjournment.

Richard A. Woodruff
MAYOR

William F. McCarthy Jr.
CITY CLERK

On inquiry, Mr. Johnson advised Council that this sign application was being brought before Council in accordance with Ordinance No. 609 which requires that a sign permit involving any sign to be placed within 200 feet of the Crosstown Expressway requires their approval.

Mr. Kinser, owner of the Hilton Inn and applicant for the sign permit assured Council that the Hilton Inn would be the owner of the sign and would be used for directional purposes only.

Councilman Colton moved that the sign permit be approved subject to its being used only for directional advertising for the Hilton Inn. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

PROCLAMATION - VIET-NAM VETERANS DAY - MARCH 29

Mayor Wood proclaimed March 29, 1974 as Viet Nam Veterans Day.

PROCLAMATION - ACTION FOR FOSTER CHILDREN WEEK - MARCH 31 - APRIL 6

Mayor Wood proclaimed the week beginning March 31 - April 6, 1974 as National Action for Foster Children Week.

MODEL CITIES COMMISSION - POSITION STATEMENT ON REORGANIZATION PLAN OF ASHEVILLE'S GOVERNMENT

Dr. Gene E. Rainey, Chairman of the Asheville Model Cities Commission, read a prepared position statement on assessing the new reorganization plan of Asheville's government.

The basic recommendation was the City re-examine the reorganization plan and consider establishing a department directly accountable to the Council through the City Manager, responsible for the following functional areas:

(1) Social Program Planning
(2) Evaluation and Monitoring
(3) Citizen Participation
(4) Administration of Community Development Program
(5) Planning processes and concepts developed through the Model Cities Program
(6) Employment opportunities for minorities at the policy, decision-making level.
(7) Public relations and information activities

Mayor Wood thanked Dr. Rainey for his presentation.

REQUEST OF MR. PETE FRADY - PRESIDENT OF HARVEST HOUSE SENIOR CITIZENS

Mr. Pete Frady, President of Harvest House Senior Citizens, located on Kenilworth Road told Council that his group needed some up-dated equipment in the way of pool table, shuffle boards, renovated rest rooms, kitchen floor, and some landscaping in the rear of the building. He asked that every consideration be given to this request.

Mayor Wood referred the request to the City Manager.

In answers to questions by Council Mr. Westall stated that the present Day Care operation had been there for 8 or 9 years accommodating some 43 children.

In answer to Councilman Horton's question Mrs. Hall told Council that she had operated day care centers for about 2[illegible] years but that she had never had any complaints either at this or other locations.

Mr. Shuford Hall speaking in support of the petition stated that the size of the lots would afford sufficient play area in conjunction with the new day care center; that with the exception of two other lots all the property in the block would be zoned the same; that the access and utilities were adequate; that in his opinion a new $60,000 building would not detract from the value of the surrounding area; that the noise aspect would not be any worse than a school that could be built on the property as now zoned.

F. D. Fitzgerald Horne, 40 Hollywood Street, said that he had signed the original petition opposing the rezoning before he realized that it would restrict the Halls from relocating their Day Care Center. He said that since finding this out he now supports the petition. He said he lived 100 feet from the Day Care Center and that noise was not objectionable nor did the Day Care Center cause a nuisance.

Jess Searles, speaking in support of the petition, said that he lived on the south side of the Day Care Center property and that it was not objectionable to him. He said he was not asking that his property be rezoned but he would not object to any changes requested by the Halls.

Mrs. Jule Wilson, spoke in support of the petition.

Mayor Wood requested that the minutes show that at the conclusion of the arguments in favor of the petition the time was 3:37 o'clock p. m.

At this time Mr. John Shackleford, attorney for the 74 petitioners who oppose the rezoning, presented his arguments to Council. He called attention to Section 15 of the Zoning Ordinance which states "in the case of a protest against such change duly signed and acknowledged by the owners of 20% or more of the frontage proposed to be changed, or of the frontage immediately in rear, or directly opposite thereto, such amendment shall not be passed except by a three-fourths vote of all members of the City Council." Mr. Shackleford said that the petition that he filed with the Planning and Zoning Commission met these standards. Mayor Wood asked the Corporation Counsel to verify the property owners and the frontage.

Mr. Shackleford argued that Council was being asked not to approve a Day Care Center but to change a piece of property from a low density area to a high density area and that it would remain this way from now on. He argued that a piece of property consisting of some 52,000 square feet under RA-M zoning would support a Day Care Center for 150 children or an apartment containing 18 units. He said this would increase the traffic on streets not designed for this volume. He further argued that such a change would constitute "spot zoning" which he said was illegal. In answer to questions from Council, Mr. Shackleford said he felt that a Day Care Center would definitely decrease the property values in the area. He said he could not answer Councilman Colton's question as to whether his clients would be satisfied with RA-8 zoning instead of RA-M. He said he felt this would still constitute spot zoning.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Councilmen Henry E. Colton, Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., J. W. Hoyle, Bill B. Horton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Calvin W. Marshall

1. Approval of minutes of the March 28, 1974 meeting.

Upon motion of Councilman Hoyle, seconded by Councilman Ochsenreiter, the minutes of the March 28, 1974 meeting were approved as submitted.

PUBLIC HEARING - REZONING REQUEST OF PROPERTY ON ARLINGTON STREET- OWNED BY MR. AND MRS. SHUFORD HALL

ORDINANCE NO. 798 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED.

2. A public hearing was held to consider the rezoning request of Mr. and Mrs. Shuford Hall to rezone Lots 7, 9-1/2, 10-1/2, and 97, Ward 2, Sheet 17, from RA-9 Residential District to RA-M Residential District.

Mayor Wood opened the public hearing at 3:03 o'clock p. m.

The City Manager read the notice of public hearing and the affidavit of publication.

Mr. Verl Emrick of the Planning and Zoning Commission staff, read the recommendation of the Planning and Zoning Commission which denied the request and recommended that property remain as it is now zoned. He said that the staff recommendation was to grant the rezoning request and gave the following reasons:

1. The property is contiguous to an existing RA-M District and the surrounding land uses exhibit high density use characteristics;

2. Even though the property is now serviced by a 2" water line, adequate service isavailable through a 10" line on Hollywood Street;

3. Access from Cameron and Arlington Streets is adequate;

4. There is an apparent need for such a facility in this neighborhood.

Mr. Jack Westall, attorney for Mr. and Mrs. Hall, told Council that the property that his clients wished rezoned was adjacent to the property on which the Halls now operate a Day Care Center; that they are being forced to move this operation because the Department of Transportation is acquiring their present property for right of way purposes in the construction of the highway through Beaucatcher Mountain; that the Office of the State Child Care Licensing had approved their plans for the new operation to accommodate 74 children; that according to the planning staff report all physical features such as water, sewer, access and parking were adequate and did not present a problem; that it was admitted that there was some noise but that it was not objectionable and since it was limited to the day time hours it did not disturb the neighbors at night or during sleeping hours.

Mr. Verl Emrick, of the Planning Staff, reviewed with Council the location of the lot in question and advised them that if the lot was rezoned the Wachovia Bank wished to purchase the lot in order to expand their parking and drive-in facilities. He read a memorandum from the Planning and Zoning Commission recommending approval of the rezoning request.

There being no opposition, Mayor Wood closed the public hearing at 4:32 o'clock p. m.

The City Manager was requested to read the ordinance amending the Zoning Ordinance.

Councilman Colton moved for the adoption of the ordinance, which was seconded by Councilman Hoyle.

On a roll call vote of 5-0, Ordinance No. 799 passed on the first reading.

RESOLUTION NO. 74-48 - RESOLUTION AUTHORIZING THE MAYOR OF ASHEVILLE TO EXECUTE A GRANT AWARD AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF ADMINISTRATION, OFFICE OF STATE PERSONNEL FOR AN EMPLOYEE RELATIONS WORKSHOP PROGRAM FOR CITY OF ASHEVILLE PERSONNEL

4. Consideration was given to a resolution authorizing the Mayor of Asheville to execute a grant award agreement with the North Carolina Department of Administration, Office of State Personnel for an Employee Relations Workshop Program for City of Asheville personnel.

The City Manager read the resolution and called on Personnel Director. Mike Smith for comments. Mr. Smith advised Council that the program set up under the Intergovernmental Personnel Act of 1970, supervised by Western Carolina Industries, was to train supervisory employees of the City in the field of employee relationship. He said it would involve some 115 employees in the supervisory capacity, who would attend two (2) eight hour sessions. He said the program was to start immediately at no cost to the City.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Horton, Resolution No. 74-48 was unanimously adopted.

Mayor Wood stated that he and Councilman Ochsenreiter had previewed the course and were favorably impressed. He commended Mr. Smith for working it out.

Complete text of Resolution No. 74-48 will be found in Resolution Book No. 7 at page 221.

BIDS - EXHIBIT BOOTHS - ASHEVILLE CIVIC CENTER

5. Consideration was given to bids received March 28, 1974 for Exhibit Booths and Crowd Control Ropes for the Asheville Civic Center.

The City Manager presented the bid summary and read the memorandum of the Purchasing Agent and the Civic Center Manager who recommended the low bid of $12,001.00 submitted by Standard Theatre Supply of Greensboro.

Councilman Morris moved to accept the low bid of $12,001.00 submitted by Standard Theatre Supply. This motion was seconded by Councilman Hoyle and carried unanimously.

Mr. Rupert Dillingham, a resident in the area, said he concurred with Mr. Shackleford primarily because of the increase in traffic volume.

Mrs. Wilma Rogers, 115 Arlington Street, said she objected to the rezoning as it was putting a commercial business in herefront door.

Mrs. Elma Willis, 19 Westview Road, also objected to the rezoning because of the commercial downgrading of the area.

Mr. Moore, Corporation Counsel, verified that the petition opposing the rezoning was signed by property owners who owned more than 20% of the abutting or adjacent ppoperty and that Section 15 of the Zoning Ordinance would apply.

It was established that in accordance with State Health Standards, that the area in question would accommodate a Day Care Center 2-1/2 times as large as the one now in operation.

Mayor Wood instructed the City Clerk to note in the minutes that the formal arguments presented by the opposition to the rezoning was concluded at 4:10 o'clock p. m.

Mrs. Gary Dotson, a resident of Arden, said she had a child entolled in the Day Care Center and that all the children were well disciplined and were not noisy. This brought opposing opinions from Mr. Dillingham, Mrs. Rogers and Mrs. Willis.

Mayor Wood closed the public hearing at 4:25 o'clock p. m. He then requested the City Manager to read the prepared ordinance which would amend the zoning ordinance

Councilman Horton moved for the adoption of the ordinance, which was seconded by Councilman Ochsenreiter.

In the discussion, Councilman Morris was advised by the Assistant Building Inspector that if the amended ordinance were passed his office would have to approve a building permit for any use permitted in RA-M.

On a roll call vote of 2-3, Ordinance No. 798 failed on the first reading. Councilman Ochsenreiter and Horton voting "yes" and Councilmen Colton, Morris, and Hoyle voting "no".

PUBLIC HEARING - REZONING REQUEST ON VERMONT AVENUE - PROPERTY OF G. W. LAMBERT FOR WACHOVIA BANK

ORDINANCE NO. 799 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED.

3. A public hearing was held to consider the request of Mr. and Mrs. G. W. Lambert to rezone Lot 201, Ward 5, Sheet 12 from RA-6 Residential to Business.

Mayor Wood opened the public hearing at 4:30 o'clock p. m.

The City Manager was requested to read the public notice and the affidavit of publication.

The land cost for the parking facility is $225,700.00, which the City will obtain from revenue sharing funds. Wilbur Smith & Associates, of Columbia, South Carolina, a leading national firm in the field of parking facility feasibility studies and construction, will serve as architects for this project. Estimated construction cost of $1,750,000.00 will be obtained through revenue bonds issued through the North Carolina Local Government Commission.

Purchase contracts have been obtained by the City on all of the properties involved in this project and the new library facility jointly announced today by the City and County. Purchases will be completed as promptly as possible. The total land cost for land acquired by the City for the parking garage and library is $535,700.00. Original appraisals were obtained by the City from Mr. William T. Duckworth, M.I.A., indicating a fair market value of the four involved properties of $481,500.00. However, the City was reluctant to resort to lengthy condemnation proceedings to acquire land for the parking facility and did not have the right to condemn property for library purposes. In addition, the appraisals did not take into consideration the fact that the property being acquired will include at no cost alleyways which will be closed and which are in excess of 10% in additional square footage of property.

RESOLUTION NO. 74-49 - RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO ACQUIRE CERTAIN PROPERTY LOCATED BETWEEN HAYWOOD STREET AND RANKIN AVENUE BY PURCHASE AND LEASE

Consideration was given to a resolution authorizing the City of Asheville to acquire certain property located between Haywood Street and Rankin Avenue by purchase and lease.

The City Manager read the resolution.

Mayor Wood announced that appraisals of the property involved had been made by W. T. Duckworth, Jr. He quoted the appraisal figures and compared them with the purchase price of the properties.

Property	Appraisal	Purchase Price
Harry Blomberg - Haywood St. and Rankin Avenue	$320,000	$361,200
Lewis Lipinsky Est.- Rankin Avenue	45,000	49,500
Hood Estate -Haywood Street	55,000	55,000
		plus $5,000 paid to Ruth Lee Fashions to abandon a 3 year lease
Mrs. Edith Dawson - Rankin Avenue	61,500	-Lease at $375/mo. plus option to purchase for $65,000

Mayor Wood stated that in addition to the above the City had acquired, at no cost, other alleys and easements amounting to about 10% of the entire tract. He said this was done by agreement between the City, Mr. Julian Woodcock and Mr. Jack Shulman.

Councilman Morris moved for adoption of the resolution, which was seconded by Councilman Horton and carried unanimously.

Complete text of Resolution No. 74-49 will be found in Resolution Book No. 7 at page 222.

Bid Summary

Bid Request #203 - Exhibit Booths and Crowd Control Rope for Civic Center

Bidder	Bid Item # 1-Booths	Item # 2- Ropes	Total
Lawrence Fabricators, Inc.	$17,095.50	$ 997.00	$18,092.50
Standard Theatre Supply Co.	11,416.00	585.00	$12,001.00
Cooper Decoration Co., Inc.	14,750.00	595.00	$15,345.00
Crown Industries, Inc.	11,416.00	600.00	$12,016.00

NEWS RELEASES - PACK MEMORIAL LIBRARY AND MULTI-STORY PARKING FACILITY

Before continuing with the next order of business Mayor Wood instructed the City Clerk to enter into the minutes the news releases issued at 2:00 o'clock p. m., just prior to Council meeting, relative to the proposed jointly financed new facility for Pack Memorial Library and the City's announcement of the proposed construction of a multi-story parking facility.

CITY AND COUNTY NEWS RELEASE ON LIBRARY FACILITIES

April 4, 1974

The City of Asheville and Buncombe County are today jointly announcing the acquisition of land by the City of a parcel of land on Haywood Street for the construction of a jointly financed new facility for Pack Memorial Library. The new Library will be a one-story and lower level structure at the corner of Haywood Street and Vanderbilt Place, consisting of approximately 55,000 square feet. This compares to the present library of 16,000 square feet on five floors.

Construction Cost, including equipment, is estimated by Library officials and their architect, J. Bertram King, F. A. I. A., at $2,118,000.00. Of this amount, Buncombe County will contribute $1,500,000.00 and the City will contribute $618,000.00. The City is also contributing the cost of the land for the Library of $310,000.00, for a total City contribution of $928,000.00 and a total project cost of $2,428,000.00.

County and City officials will each appropriate revenue sharing funds for this project. Any reductions or increases in total cost of the project will be shared by the City and County in proportion to their respective contributions stated above. The present library facility on Pack Square will be sold when the new building is occupied and the City and County will divide the sale proceeds in proportion to the above contributions to the new facility.

Construction of the new Library, which requires a substantial amount of advance planning and design, should commence during early 1975 and be completed in late 1976.

CITY NEWS RELEASE ON PARKING FACILITIES

The City of Asheville is today announcing plans for construction of a multi-story parking facility in the downtown area, with capacity for approximately 600 cars. The facility will be especially unique and accessible, as on-grade access will be available from Vanderbilt Place and Rankin Avenue. The new library facility jointly announced today by the City and County will also afford an automobile ramp and pedestrian walkway from Haywood Street when the new library is completed. The garage will be constructed to permit future expansion of 200 to 250 additional cars.

The City Manager read the resolution and explained that the resolution referred to a release settling a lawsuit that had been pending for some time.

Upon motion of Councilman Hoyle, seconded by Councilman Colton, Resolution No. 74-51 was unanimously adopted.

Complete text of Resolution No. 74-51 will be found in Resolution Book No. 7 at page 224.

WATER BOND REFERENDUM - SATURDAY, APRIL 6, 1974

Councilman Morris called attention to the Water Bond Referendum scheduled for Saturday, April 6, 1974 and encouraged everyone to vote.

Mayor Wood added that he wished to thank the Citizens Committee, chaired by Mr. George Tisdale with Councilman Colton as Vice-Chairman, for the excellent manner in which they had presented the Water Bond issues to the public. He also encouraged everyone to vote for the issuance of the Water Bonds.

MAYOR WOOD - NEGOTIATIONS TO ACQUIRE PROPERTY FOR PROPOSED PARKING GARAGE

Mayor Wood also expressed his thanks to all that assisted him in the long and sometimes frustrating negotiations necessary to acquire the property for the proposed parking garage.

Adjournment.

MAYOR

CITY CLERK

ORDINANCE NO. 800 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1973-74

Consideration was given to an ordinance amending the operating budget of the City of Asheville for the Fiscal Year 1973-74.

The City Manager read the ordinance and advised Council that passage would be necessary to purchase the parking garage property approved in the preceding resolution. He requested that Council pass it on all three readings at this time.

Councilman Ochsenreiter moved for the adoption of the ordinance, which was seconded by Councilman Hoyle.

On a roll call vote of 5-0, Ordinance No. 800 passed on the first reading.

Councilman Ochsenreiter then moved to suspend the rules and to consider the ordinance on the second reading. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 800 passed on the second reading.

Councilman Ochsenreiter then moved to suspend the rules and to consider the ordinance on the third reading. Councilman Hoyle seconded this motion and it carried unanimously.

On a roll call vote of 5-0, Ordinance No. 800 carried on the third and final reading.

Complete text of Ordinance No. 800 will be found in Ordinance Book No. 6 at page 64.

RESOLUTION NO. 74-50 -RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO AN AGREEMENT WITH LAW ENGINEERING TESTING COMPANY FOR THE PERFORMANCE OF SUB-SURFACE SOILS AND FOUNDATION INVESTIGATION

Consideration was given to a resolution authorizing the Mayor of the City of Asheville to enter into an agreement with Law Engineering Testing Company for the performance of sub-surface soils and foundation investigation.

The City Manager read the resolution and explained that the contract with Law Engineering Testing Company referred to in the resolution was for the sub-surface soils and foundation for the parking facility.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 74-50 was unanimously adopted.

Complete text of Resolution No. 74-50 will be found in Resolution Book No. 7 at page 223.

RESOLUTION NO. 74-51 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE AGREEMENT AND RELEASE WITH ANNIE I. TOWE SPLAWN

Consideration was given to a resolution authorizing Mayor to execute agreement and release with Annie I. Towe Splawn.

The City Manager then read the prepared ordinance that would amend the zoning ordinance.

In the absence of a motion for the adoption of the ordinance it failed on the first reading.

ORDINANCE NO. 799 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Vermont Avenue)

3. Consideration was given to the second reading of Ordinance No. 799, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing For The Zoning Of The City of Asheville", as amended. (Vermont Avenue)

On a roll call vote of 4-0, Ordinance No. 799 was passed on its second reading.

WATER BOND REFERENDUM - RESULTS

The Council received from the County Board of Elections of Buncombe County a certified copy of the proceedings of said Board of Elections taken on April 9, 1974, evidencing said Board's determination of the result of the canvass of the returns of the special bond referendum held in the City of Asheville on April 6, 1974 upon the question of approving $8,250,000 Water Bonds of said City.

After said proceedings had been considered and reviewed by the Council, Councilman Morris introduced the following resolution which was read:

RESOLUTION DECLARING THE RESULT OF THE SPECIAL BOND REFERENDUM HELD IN THE CITY OF ASHEVILLE ON APRIL 6, 1974 UPON THE QUESTION OF APPROVING $8,250,000 WATER BONDS

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. The Council of the City of Asheville, having received from the County Board of Elections of Buncombe County a certified copy of the proceedings of said Board of Elections taken on April 9, 1974, evidencing said Board's determination of the result of the canvass of the returns of the special bond referendum held in the City of Asheville on April 6, 1974 upon the question of approving $8,250,000 Water Bonds of said City, does hereby declare and certify the result of said referendum to be the result which is set forth in the following statement of the result of said referendum, which statement has been prepared by said Council:

STATEMENT OF THE RESULT
of the
SPECIAL BOND REFERENDUM
Held in the
CITY OF ASHEVILLE, NORTH CAROLINA
on April 6, 1974
UPON THE QUESTION OF APPROVING
$8,250,000 WATER BONDS

At a special bond referendum held in the City of Asheville on April 6, 1974, 26,108 voters were registered and qualified to vote.

Thursday - April 11, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., J. W. Hoyle, Bill B. Horton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/ City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Calvin W. Marshall and Councilman Henry E. Colton

1. Approval of minutes of the April 4, 1974 meeting.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, the minutes of the April 4, 1974 meeting were approved as submitted.

PUBLIC HEARING - REZONING REQUEST OF PROPERTY ON WHITE PINE DRIVE - OWNED BY JAMES P. ROBERTS

ORDINANCE NO. _____ AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. A public hearing was held to consider the request of James P. Roberts to rezone Lot 58-3/4, Ward 8, Sheet 10 from RA-6 Residential to Roadside Business Area.

Mayor Wood opened the public hearing at 3:07 o'clock p. m.

The City Manager was requested to read the public notice and the affidavit of publication.

Mr. Verl Emrick, of the Planning Staff, read a memorandum from the Planning and Zoning Commission recommending that the request be denied. He said that the Planning Staff also recommended that the request be denied for the following reasons:

1) The topography tends to separate the lot in question from the commercial strip fronting on Tunnel Road and relates it more favorably to the contiguous residential development;

2) The existing business development is oriented to Tunnel Road. If the area in question is rezoned, White Pine Drive and Springside Park Road would serve as access and further complicate an already hazardous situation;

3) The development of this lot for commercial purposes would further encroach upon an established residential area and erode the buffering presently existing between it and Tunnel Road's commercial strip; and

4) Finally, the Commission has in the past acted to protect this buffering by denying two separate rezoning requests for lots which are contiguous to the lots in question.

On inquiry of Councilman Morris, Mr. Emrick advised him that Mr. Roberts had been notified of the public hearing.

There being no one present to speak in support of or in opposition to the petition, Mayor Wood closed the public hearing at 3:12 o'clock p. m.

SITE PLAN FOR GROUP DEVELOPMENT - JIM YODER

Consideration was given to a recommendation from the Planning and Zoning Commission relative to the approval of a site plan for a group development for Jim Yoder at 985 Haywood Road.

Mr. Verl Emrick presented the recommendation of the Planning and Zoning Commission who recommended the site plan to the Council.

Councilman Horton moved that a public hearing relative to the matter be set for May 2, 1974, at the petitioners expense. This motion was seconded by Councilman Hoyle and carried unanimously.

RECOMMENDATION FOR GOLF RATE CHANGES - MUNICIPAL GOLF COURSE

Mr. Lonnie Gilliam, a member of the Parks and Recreation Advisory Board, presented the Board's recommendations to City Council which were as follows:

1. No more annual permits for family or individuals be sold, effective immediately, except for mid-week permits as stated below in number 2.

2. Mid-week annual playing permits currently estimated at $65 per person be increased to $75 per person per year. This permit to be good at any time except on Saturdays, Sundays, and holidays.

3. Beginning on January 1, 1975, a book of 100 tickets be available for purchase by residents of the City of Asheville. This book to be priced at $150 and to be limited to one book per person. This book would then provide 100 days of golf at a total cost of $150 or $1.50 per day. These tickets could be used on any day the purchaser so desires and would replace the former individual and family annual playing permits. It was further recommended that a maximum of 100 such books be placed on sale.

4. The existing daily green fees of $2.50 per day remain as is with the green fees for Saturdays, Sundays, and holidays be increased from $3 to $3.50 per day.

5. That the total revenue received from Municipal Golf Course be invested in improvements in and maintenance of the Municipal Golf Course.

Councilman Morris commended the Committee and moved that the recommendations be adopted. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Mayor Wood added his thanks to the Advisory Board for their thoughtful work and careful consideration.

At said referendum 3,116 votes were cast for the order adopted on February 19, 1974, authorizing not exceeding $8,250,000 Water Bonds of the City of Asheville, North Carolina, for the purpose of providing funds, with any other available funds, for improving, reconstructing, enlarging, and extending the waterworks system of said City within and without the corporate limits of said City, including the construction and installation of additional water treatment, storage, and related facilities, laboratory and other water quality monitoring facilities, additional reservoir protection facilities, and additional water mains and lines, the relocation of water mains, and the acquisition of necessary land, rights of way, and equipment, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, and 364 votes were cast against said order, and a majority of the qualified voters of said City who voted thereon at said referendum having voted in favor of the approval of said order, said order was thereby approved and is in force and effect.

Council of the
City of Asheville, North Carolina

Section 2. The City Clerk shall file a copy of the foregoing statement of the result of said referendum in his office, shall insert such statement in the minutes of the Council and shall publish such statement once in The Asheville Times. A statement in substantially the following form shall be published with the foregoing statement:

Any action or proceeding challenging the regularity or validity of this bond referendum must be begun within 30 days after April 17, 1974.

Council of the
City of Asheville, North Carolina

Section 3. This resolution shall take effect upon its passage.

Richard A. Wood, Jr.
MAYOR

William F. Wolcott, Jr.
CITY CLERK

Approved as to form:

William C. Moore
Corporation Counsel

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, the foregoing resolution entitled: "RESOLUTION DECLARING THE RESULT OF THE SPECIAL BOND REFERENDUM HELD IN THE CITY OF ASHEVILLE ON APRIL 6, 1974 UPON THE QUESTION OF APPROVING $8,250,000 WATER BONDS" was passed by the following roll call vote:

Ayes: Councilman Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., J. W. Boyle, Bill B. Horton

Noes: None

Thereupon the resolution entitled: "RESOLUTION DECLARING THE RESULT OF THE SPECIAL BOND REFERENDUM HELD IN THE CITY OF ASHEVILLE ON APRIL 6, 1974 UPON THE QUESTION OF APPROVING $8,250,000 WATER BONDS" was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval as to the form thereof.

Mayor Wood advised the Council that theres a chance that some funding might be available since Community Development Legislation is not likely to pass Congress before the next fiscal year which begins July 1, 1974.

Upon motion of Councilman Morris, seconded by Councilman Horton, Resolution No. 74-53 was unanimously adopted.

Mayor Wood then said that with Council's permission he would forward copies of the resolution to all members of the North Carolina Congressional delegation.

Complete text of Resolution No. 74-53 will be found in Resolution Book No. 7 at page 227.

RESOLUTION NO. 74-54 - RESOLUTION AUTHORIZING APPLICATION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR FURTHER GRANT OF MONIES UNDER PROVISIONS OF SECTIONS 701 OF THE HOUSING ACT OF 1954, AS AMENDED.

Consideration was given to a resolution authorizing application to the United States Department of Housing and Urban Development for further grant of monies under provisions of Sections 701 of the Housing Act of 1954, as ameneded.

The City Manager read the resolution and explained that this was a form resolution to accompany the application for HUD Section 701 Large City grant funds for fiscal year 74-75.

He called on Mr. Verl Emrick to explain the activities to be undertaken. He said these activities would include the following:

1) Initiate the implementation of the Asheville Rehabilitation and Renewal Program;
2) Update the housing element;
3) Provide assistance to the Building Inspection Department in putting that system on the computer system;
4) Develop manuals and operation procedures as follows:
   a. general administrative policies and manual;
   b. project and departmental status reporting procedures;
   c. personnel policy manual and procedures;
   d. capital budgeting procedures and up date.

He advised Council that the total budget would be $32,000 with the City supplying $8,000 in-kind services.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, Resolution No. 74-54 was unanimously adopted.

Complete text of Resolution No. 74-54 will be found in Resolution Book No. 7 at page 229.

RESOLUTION NO. 74-55 - RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO ENTER INTO A CONTRACT WITH THE NORTH CAROLINA CRIMINAL JUSTICE TRAINING AND STANDARDS COUNCIL

Consideration was given to a resolution authorizing the City of Asheville to enter into a contract with the North Carolina Criminal Justice Training and Standards Council.

PRITCHARD PARK RENOVATION

Consideration was given to a plan for renovation of Pritchard Park.

Mr. Ray Kisiah, Director of Parks and Recreation, presented what he considered to be a realistic plan for the renovation of Pritchard Park. He said that the plan drawn by Richard Meehan would include a fountain, bus shelters, and increased seating. He said the concept was to utilize as much of the existing park as possible. The work to begin in late summer would cost approximately $30,000. He said the Central Asheville Association had agreed to pay $5,000; Parks and Recreation Department $5,000; and the remaining $20,000 would come from Revenue Sharing funds.

Councilman Morris moved that the concept as presented by Mr. Kisiah be approved and that the City Manager be instructed to revise the 1974-75 budget to cover the City's share of financing. This motion was seconded by Councilman Horton and carried unanimously.

RESOLUTION NO. 74-53 - RESOLUTION URGING SPEEDY ACTION ON COMMUNITY DEVELOPMENT LEGISLATION OR RAPID REAUTHORIZATION OF THE EXISTING MODEL CITIES PROGRAM AND APPROPRIATION OF FUNDS

Consideration was given to a resolution urging speedy action on Community Development Legislation or rapid reauthorization of the existing Model Cities Program and appropriation of funds.

The City Manager read the resolution and the following telegram:

T E L E G R A M

Mr. John J. Gunther
Executive Director
U. S. Conference of Mayors
1620 Eye Street, N. W.
Washington, D. C. 20006

and

National League of Cities
1612 K Street, N. W.
Washington, D. C. 20006

LOCAL OFFICIALS GRAVELY CONCERNED THAT MODEL CITIES HAS EXPERIENCED A SEVERE REDUCTION OF FUNDS AND A CONSTANT ATTRITION OF PROGRAMS. REQUEST YOUR ASSISTANCE IN CONTINUING ASHEVILLE'S MODEL CITIES PROGRAM UNTIL SUCH TIME AS THERE IS A COMMUNITY DEVELOPMENT BILL NOT ONLY AUTHORIZED, BUT APPROPRIATED FOR AND MADE OPERATIONAL.

MAYOR RICHARD A. WOOD, JR.
CITY OF ASHEVILLE
ASHEVILLE, NORTH CAROLINA

The above telegram telephoned in March 29, 1974 at 3:45 p. m.

cc: Mr. Logan Delany
Executive Director
Asheville Model Cities Agency

Mr. Irvin Franze
Administrative Asst. to Mayor
121 North LaSalle Street
Chicago, Illinois 60606

Above telegram also sent to Ray Taylor - April 9, 1974

Thursday - April 18, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., J. W. Hoyle, Bill B. Horton, Corporation Counsel William C. Moore, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Henry E. Colton and City Manager Ernest J. Ward, Jr.

1. Approval of minutes of the April 11, 1974 meeting.

Upon motion of Councilman Ochsenreiter, seconded by Vice-Mayor Marshall, the minutes of the April 11, 1974 meeting were approved as submitted.

ORDINANCE NO. 799 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Vermont Avenue)

2. Consideration was given to the third and final reading of Ordinance No. 799, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended, rezoning property on Vermont Avenue from RA-6 Residential to Business.

Mayor Wood advised that Council had previously been furnished with copies of the ordinance and unless otherwise requested the ordinance would not be re-read in its entirety.

On a roll call vote of 5-0, Ordinance No. 799 passed on its third and final reading.

Complete text of Ordinance No. 799 will be found in Ordinance Book No. 6 at page 63.

RESOLUTION NO. 74-56 - RESOLUTION APPROVING LINE ITEM TRANSFER OF FUNDS OF TWO (2) IN-HOUSE PROJECTS: PROGRAM ADMINISTRATION AND CITIZEN PARTICIPATION

3. Consideration was given to a resolution approving line item transfer of funds of two (2) in-house projects: Program Administration and Citizen Participation.

The Assistant City Manager read the resolution and called on Mr. Michalove to review the resolution for Council.

Mr. Michalove told Council that the resolution did not increase the appropriated amount in either program but called for a redistribution of line item funds within each component's budget to bring projected costs in line with actual expenditures. He said conditions creating the necessity for the line item transfer of funds was due to reduced staffing, early phase out of certain projects, sharing space costs while at Lucy Herring School, and physical relocation of the Agency from Mountain Street address to City Hall.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 74-56 was unanimously adopted.

Complete text of Resolution No. 74-56 will be found in Resolution Book No. 7 at page 231.

The City Manager read the resolution and explained that this would provide for funds to pay any law enforcement officer up to a certain minimum. He said the resolution would make the City eligible for supplements as it relates to those Police Department employees that do not meet the minimums set forth in Chapter 766 of the 1973 Session Laws, which will include the dog wardens, meter checkers, and two small amounts for the first year for the two assistant chiefs. He said this would be for a two year period.

Upon motion of Councilman Morris, seconded by Councilman Horton, Resolution No. 74-55 was unanimously adopted.

Complete text of Resolution No. 74-55 will be found in Resolution Book No. 7 at page 230.

SANITARY LAND FILL COMPACTOR

The City Manager advised Council that on Monday, April 8, 1974, the Sanitary Land Fill Compaction Unit, which was approved by Council, was placed in operation. He said he was pleased with the way the operation was going.

MR. BERT STARNES - SUGGESTION FOR PROCLAIMING APRIL 30th AS DAY OF HUMILIATION, FASTING AND PRAYER

Mr. Bert Starnes read a Congressional Resolution proclaiming April 30th, 1974 as National Day of Humiliation, Fasting and Prayer and asked Council to proclaim April 30th as Asheville's Day of Humiliation, Fasting and Prayer.

Councilman Horton thanked the layman for bringing this to Council's attention and suggested that a similar resolution be passed at Council's next weeks meeting.

Mayor Wood instructed the City Manager to prepare a resolution for Council's consideration at next weeks meeting.

Adjournment.

Richard A. Wood, Jr.
MAYOR

William F. Maloney
CITY CLERK

The Assistant City Manager read the resolution.

Mayor Wood stated that it had been requested by Region B that all member governments pass a similar resolution supporting Region B in its efforts to obtain a 100% federal grant for a wastewater treatment study in all four counties. He said this would be the first step to a regional solution to wastewater treatment in the counties. He said he thought all other municipalities, including the Buncombe County Commissioners, had passed this resolution and recommended that the resolution be passed.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 74-58 was unanimously adopted.

Complete text of Resolution No. 74-58 will be found in Resolution Book No. 7 at page 234.

RESOLUTION NO. 74-59 - RESOLUTION APPOINTING MEMBER OF THE METROPOLITAN SEWERAGE DISTRICT BOARD (George E. Dawson)

7. Consideration was given to a resolution reappointing George E. Dawson a member of the Metropolitan Sewerage District Board.

The Assistant City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 74-59 was unanimously adopted.

Complete text of Resolution No. 74-59 will be found in Resolution Book No. 7 at page 236.

RESOLUTION NO. 74-60 - RESOLUTION PROCLAIMING APRIL 30, 1974, A NATIONAL DAY OF HUMILIATION, FASTING AND PRAYER

8. Consideration was given to a resolution proclaiming April 30, 1974, a National Day of Humiliation, Fasting and Prayer.

Councilman Horton read the resolution and expressed his sincere thanks to the Congress for taking time out of their busy schedule to pass such a proclamation.

Upon motion of Councilman Horton, seconded by Councilman Hoyle, Resolution No. 74-60 was unanimously adopted.

Complete text of Resolution No. 74-60 will be found in Resolution Book No. 7 at page 237.

PROCLAMATION - MONDAY, APRIL 22nd, 1974 BASEBALL DAY

Mayor Wood proclaimed Monday, April 22, 1974 as Baseball Day, as this would be the first Home game of the Asheville Orioles.

Jim Duffy, Manager of the Asheville Orioles, advised Council that this was also the 50th Anniversary of the use of the McCormick Field and encouraged citizens to attend this special event.

RESOLUTION NO. 74-57 - RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR A GRANT "HELP COMMUNITIES HELP THEMSELVES".

4. Consideration was given to a resolution authorizing the submission of an application for a grant "Help Communities Help Themselves".

The Assistant City Manager read the resolution and called on Mr. Michalove to review the resolution for Council.

Mr. Michalove advised Council that this would be the second time for the City to participate in such a program. He said the Department of Health, Education, and Welfare Office of Education invites communities to send representatives to a seminar to be held in Miami, Florida for a 13 day period to learn about drug abuse and how to deal with it in their community. He said this was a 100% grant with a total budget of $3,101.00.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Horton, Resolution No. 74-57 was unanimously adopted.

Complete text of Resolution No. 74-57 will be found in Resolution Book No. 7 at page 233.

BIDS - PNEUMATIC BORING MACHINE FOR THE WATER AND SEWER DEPARTMENT

5. Consideration was given to bids received April 15, 1974 for Pneumatic Boring Machine and accessories for the Water and Sewer Department.

The Assistant City Manager read a memorandum from the Purchasing Agent which stated that two identical bids were received, both quoted the same total bid price of $5,733.00. The bids were from Mitchell Distributing Company of Asheville, North Carolina and Rent-Equipment Company of Charlotte, North Carolina. The Purchasing Agent and the Director of Water and Sewer Department recommended that the award be given to Mitchell Distributing Company due to the following reasons 1) Mitchell Distributing Company is a franchised distributor for the entire State of North Carolina 2) Any future requirements for parts and service would have to go through Mitchell Distributing Company; and 3) they are a local business establishment.

Vice-Mayor Marshall moved to accept the recommendation of the Purchasing Agent and award the bid to Mitchell Distributing Company in the amount of $5,733.00. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

Request # 204 - Pneumatic Boring Machine and Accessories

Bidder	Bid
Mitchell Distributing Company	$ 5,733.00
Rent Equipment Company	5,733.00

RESOLUTION NO. 74-58 - RESOLUTION INDICATING INTENT TO JOIN WITH OTHER GENERAL PURPOSE UNITS OF LOCAL GOVERNMENT IN THE ASHEVILLE STANDARD METROPOLITAN STATISTICAL AREA TO DEVELOP AND IMPLEMENT A PLAN RESULTING IN A COORDINATED WASTE TREATMENT MANAGEMENT SYSTEM FOR THE AREA

6. Consideration was given to a resolution indicating intent to join with other general purpose units of local government in the Asheville Standard Metropolitan Statistical Area to develop and implement a plan resulting in a coordinated waste treatment management system for the area.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., J. W. Hoyle, Bill B. Horton, Robert J. Robinson, substituting for Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Henry E. Colton and Corporation Counsel William C. Moore

1. Approval of minutes of the April 18, 1974 meeting.

Upon motion of Councilman Ochsenreiter, seconded by Vice-Mayor Marshall, the minutes of the April 18, 1974 meeting were approved as submitted.

RESCHEDULING OF PUBLIC HEARING - SITE PLAN FOR GROUP DEVELOPMENT - JIM YODER

2. Consideration was given to rescheduling a public hearing for the approval of a site plan for a business group development to be located at 985 Haywood Road for Jim Yoder.

Mayor Wood advised Council that it was discovered that insufficient time was given in the original legal advertising of the public hearing and it would be necessary to reschedule and advertise for a public hearing on this matter for a later date.

Councilman Morris moved that the public hearing be rescheduled for May 16, 1974. This motion was seconded by Councilman Hoyle and carried unanimously.

SCHEDULING OF A PUBLIC HEARING - ZONING FOR NEWLY ANNEXED OTEEN AREA

3. Consideration was given to the setting of a date for a public hearing to consider the zoning of the newly annexed Oteen area under the present City Zoning Ordinance.

Mayor Wood advised Council that it would be necessary to establish zoning in the Oteen area by June 18, 1974. He said that even though an overall revision of the Zoning Ordinance was being considered he felt that Council should proceed with zoning this area under the present zoning ordinance at this time in order to insure that the June 18, 1974 deadline was met. He said this area could then be considered when the overall revision was made at a later date.

Councilman Morris moved to set the public hearing for May 16, 1974. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

BIDS - OFFICE FURNITURE FOR ASHEVILLE CIVIC CENTER - POSTPONED

4. The City Manager advised Council that bids received April 22, 1974 for office furniture for the Asheville Civic Center scheduled for review at this time were still under consideration and requested that the matter be postponed until next week.

PROCLAMATION - CLEAN SWEEP '74 WEEK - APRIL 27 - MAY 4, 1974

Mayor Wood proclaimed the week of April 27 - May 4, 1974 as Clean Sweep '74 Week and encouraged Clean Up campaigns. He said the City would be participating by furnishing plastic bags and the hiring of extra crews to help clean up.

PROCLAMATIONS - NATIONAL SECRETARIES WEEK - APRIL 21 - 27, 1974
REALTORS WEEK - APRIL 21 - 27, 1974

Mayor Wood proclaimed the week of April 21 - 27, 1974 as National Secretaries Week and Realtors Week.

COUNCILMAN HORTON - TAX ASSESSMENT

Councilman Horton commented on the report of the increase in the tax assessment for Buncombe County being 27%. He said it seems that the increase for Asheville would be somewhat less than that and in the near future the specific increase for Asheville would be announced.

Adjournment.

Richard A. Wood
MAYOR

William F. Nalley
CITY CLERK

ORDINANCE NO. 801 - ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1973-74

7. The City Manager explained that with the passage of the foregoing resolution approving the acquisition of the Miller property it was necessary to transfer Revenue Sharing Trust funds for this acquisition and presented the ordinance to Council for consideration and requested that the ordinance be read on three readings at this meeting.

Vice-Mayor Marshall moved for the adoption of the ordinance, which was seconded by Councilman Hoyle.

On a roll call vote of 5-0, Ordinance No. 801 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of the ordinance. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 801 passed on its second reading.

Councilman Morris then moved to suspend the rules and proceed with the third and final reading. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 801 passed on its third and final reading.

Complete text of Ordinance No. 801 will be found in Ordinance Book No. 6 at page 65.

REZONING PETITION - G. W. LAMBERT - VERMONT AVENUE

8. The City Manager presented a rezoning petition from Mr. and Mrs. G. W. Lambert requesting that Lot 20, Sheet 12, Ward 5 be rezoned from RA-6 to Business. for the Wachovia Bank.

In the absence of any objection from members of Council, Mayor Wood referred the petition to the Planning and Zoning Commission for study and recommendation.

RESOLUTION NO. 74-63 - RESOLUTION AUTHORIZING A CITIZEN PARTICIPATION DEVELOPMENTAL PROGRAM

9. Consideration was given to a resolution authorizing a Citizen Participation Developmental Program.

The City Manager read the resolution.

Mr. Sam Graves, Director of Citizen Participation, on questioning of Council described the program as an educational type which would afford participants an opportunity to learn how governmental units, civic groups, social service agencies and planning organizations function and operate. He said the program would have a time frame of April through June and would have a seminar type format with a program budget of $4,680.00.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Horton, Resolution No. 74-63 was unanimously adopted.

Complete text of Resolution No. 74-63 will be found in Resolution Book No. 7 at page 241.

RESOLUTION NO. 74-61 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THAT BUILDING KNOWN AS 215 SOUTH LIBERTY STREET

5. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish that building known as 215 South Liberty Street.

The City Manager read the resolution.

Councilman Morris moved for the adoption of the resolution and that the date for the public hearing be set for May 16, 1974. This motion was seconded by Councilman Horton and carried unanimously.

Complete text of Resolution No. 74-61 will be found in Resolution Book No. 7 at page 238.

In conjuction with the demolition of the Liberty Street property, Mr. Johnson, Building Inspector, was questioned as to the status of 97 Wembly Road, a vacant house that has been in contention for some time. He advised Council that this house could not be demolished under the Code of Ordinances as it could be repaired for less than 60% of the evaluation. He said that it was possible that it could be declared a nuisance as a health hazard and could be ordered demolished or repaired through court action.

Mayor Wood asked Mr. Robinson to have Mr. Moore explore this matter from a nuisance point of view.

RESOLUTION NO. 74-62 - RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO ACQUIRE CERTAIN PROPERTY LOCATED ON RANKIN AVENUE BY PURCHASE (Miller Property)

6. Consideration was given to a resolution authorizing the City of Asheville to acquire certain property located on Rankin Avenue by purchase.

The City Manager read the resolution.

Mayor Wood explained that the property in question was the only tract of land between the property acquired for the Parking Garage and the Carolina Power and Light transformer site and that the architects had suggested several months ago that this piece of property be acquired and incorporated in the parking garage plans. He said the owner of the property had been out of town and only recently returned. He said that Mr. William Duckworth had appraised the property for $27,650 and that the owner had agreed to sell at the appraisal price.

Councilman Morris noted that the acquisition of this property would make it possible to construct the parking garage with a 600 car capacity on five (5) levels instead of seven (7) levels, leaving room for a 240 car future expansion.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Morris, Resolution No. 74-62 was unanimously adopted.

Complete text of Resolution No. 74-62 will be found in Resolution Book No. 7 at page 240.

Thursday - May 2, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., J. W. Hoyle, Bill B. Horton, Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.,

Absent: None

1. Approval of minutes of the April 25, 1974 meeting.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall, the minutes of the April 25, 1974 meeting were approved as submitted.

RESOLUTION NO. 74-64 - RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO LEASE AND OBTAIN AN OPTION TO PURCHASE CERTAIN PROPERTY LOCATED ON RANKIN AVENUE

2. Consideration was given to a resolution authorizing the City of Asheville to lease and obtain an option to purchase certain property located on Rankin Avenue.

The City Manager presented the resolution and explained that the piece of property in question was part of a property package being purchased in connection with the construction of a proposed parking garage.

Upon motion of Councilman Morris, seconded by Councilman Horton, Resolution No. 74-64 was unanimously adopted.

Complete text of Resolution No. 74-64 will be found in Resolution Book No. 7 at page 243.

BIDS - THIRTY (30) FIRE HYDRANTS FOR WATER DEPARTMENT

3. Consideration was given to the bids received on April 22, 1974 for the furnishing of thirty (30) fire hydrants for use in the Water Department.

The City Manager presented the bids and read recommendations from the Purchasing Agent and the Director of the Water Department. Both recommended that the third lowest bidder, Silverman and Company, be awarded the contract under Alternate Item 1 A which was to furnish the hydrants without nozzles and caps. Their reason was that there was an urgent need for the hydrants and that the extended delivery time of the other bidders was not acceptable. They said that Silverman & Company agreed to furnish the hydrants within two (2) days after the receipt of the order. Further they recommended that the order be increased by twelve (12) hydrants to take care of a need discovered subsequent to the advertisement for bids. The Purchasing Agent said that this addition to the bid at the same unit price was satisfactory to the vendor. He said that the total amended bid would be $9,633.12.

Council questioned the lack of pre-planning which necessitated the awarding of the higher bid because of the urgent need for the hydrants. The City Manager was instructed to advise the department heads to anticipate slow delivery on future purchases.

SCHEDULING OF PUBLIC HEARING - CONSTRUCTION MORATORIUM ON TUNNEL ROAD AND SOUTH TUNNEL ROAD

Mayor Wood advised Council that during recent months there has been expressed concern over the increased traffic developing on Tunnel Road and South Tunnel Road and it did not appear that this problem would be lessened until such time as the proposed Beaucatcher Mountain Cut construction and the connecting highway was completed or some improvements made to present Tunnel Road. He said that after some discussion with the City Attorney and members of the planning agencies of the City it was agreed to submit a proposal to Council calling for a public hearing to consider this problem. He then read a prepared proposed notice calling for the public hearing. According to the notice Council would consider at the public hearing the feasibility of declaring a moratorium on any new construction for lots fronting on Tunnel Road and South Tunnel Road, other than building permits issued for the purpose of replacement or modernization of existing buildings, but not expansion, and that no further consideration will be given to rezoning requests on any lots fronting on said highways and presently zoned for residential use or to any zoning classification which would permit non-residential development of the property.

Councilman Ochsenreiter moved to adopt the notice as stated and to schedule a public hearing for May 16, 1974. This motion was seconded By Councilman Hoyle and carried unanimously.

Mayor Wood asked that the minutes reflect that Councilman Morris abstained from voting.

SCHEDULING OF PUBLIC HEARINGS FOR MAY 16, 1974

Since four public hearings were scheduled for May 16, 1974, Mayor Wood instructed the City Clerk to place them on the published agenda as follows:

1. Jim Yoder- Group Development - 985 Haywood Road
2. Construction moratorium - Tunnel Road and South Tunnel Road
3. Zoning of newly annexed Oteen Area
4. Demolition of 215 South Liberty Street

PROCLAMATION - YOUTH WEEK - APRIL 28th THROUGH MAY 4th

Mayor Wood proclaimed the week of April 28th through May 4th as "Youth Week in Asheville".

Adjournment.

Richard A. Wood, Sr.
MAYOR

William S. Greenway
CITY CLERK

The City Manager presented the bids and read recommendations of the Purchasing Agent and the Director of Parks and Recreation. It was pointed out in the recommendation that even though the items to be purchased were the same it was necessary to ask for separate quotations as the funding sources were different.

It was recommended by the Purchasing Agent that Hajoca Corporation be awarded the contract for both bid items, the Memorial Stadium fixtures in the amount of $2,290.76 and the Malvern Hills Park fixtures in the amount of $1,634.96.

Councilman Colton moved for the acceptance of the recommendations and that Hajoca Corpoation be awarded the contract to furnish the fixtures for Memorial Stadium in the amount of $2,290.76 and the Malvern Hills Park in the amount of $1,634.96. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

Bid Request #207 - Plumbing Fixtures for Memorial Stadium

Bidder	Bid Item and Description		
	Closet Bowls	Urinals	Lavatories
Hajoca Corporation	$891.04	$883.22	$516.50
Tidewater Supply Company	No Bid	No Bid	No Bid
Parnell-Martin Supply Co.	Invalid Bid - Bidder failed to include bid deposit		

Bid Request #208 - Plumbing Fixtures for Malvern Hills Park

Bidder	Bid Item and Description		
	Closet Bowls	Urinals	Lavatories
Parnell-Martin Supply Co.	Invalid Bid - Bidder failed to include bid deposit		
Hajoca Corporation	$881.42	$339.70	$413.84
Tidewater Supply Company	No Bid	No Bid	No Bid

MRS. ROY ROGERS - EAST RIVERSIDE URBAN REDEVELOPMENT

Mrs. Roy Rogers appealed to the Council to use their influence in accelerating the construction of single family housing in the East Riverside Urban Redevelopment area. She said that there was an urgent need for such housing but that development had been slow.

Councilman Ochsenreiter advised her that he had discussed this matter with Mr. King and that he would follow up with a report to Council at the next meeting.

MR. LYNN BISSETTE - RECREATIONAL FACILITIES IN THE KENILWORTH AREA

Mr. Lynn Bissette, 95 Lakewood Drive, appealed to Council for more extensive recreational facilities in the Kenilworth area. He said that he felt that Kenilworth had been neglected except for the splash pool area which has been slow in being renovated. He said he wanted to bring the need to Council's attention so that some consideration would be given to this area during the preparation of the budget. He offered his assistance in working with Mr. Kisiah and the community.

Councilman Morris moved to accept the recommendations of the Purchasing Agent and the Water Department Director, as amended, and to award the contract to Silverman & Company for $9,633.12. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

Bid Request #205 - Thirty (30) Fire Hydrants for Department of Water and Sewer Services

Bidder	Bid Item and Description	
	30 Fire Hydrants	30 Fire Hydrants without 2-1/2" nozzles and caps
ITT Grinell	$7,150.20	No Bid
American Cast Iron Pipe Co.	7,530.00	No Bid
Pump & Lighting Company	8,661.30	No Bid
Silverman Company	7,568.70	$ 6,880.80
Southern Meter and Supply Company	No Bid	No Bid

BIDS - OFFICE FURNITURE AND CHAIRS FOR CIVIC CENTER

4. Consideration was given to bids received April 22, 1974 for office furniture and chairs for the Civic Center.

The City Manager presented the bids and read recommendations from the Purchasing Agent and Civic Center manager that the contract be awarded to the low bidder, Talman's Office Supply, in the amount of $15,139.87.

Councilman Morris moved to accept the low bid and to award the contract to Talman's Office Supply, in the amount of $15,139.87. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Bid Summary

Bid Request # 206 - Office furniture and chairs for Civic Center

Bidder	Bid Item and Description	
	Office furniture & Chairs	Four Hundred Clarin Folding Chairs
Barton Starr Design Inc.	$7,188.72	$10,948.00
Wights Business Machines	6,911.11	12,720.00
Talmans Office Supplies	6,405.87	8,734.00
N. C. Seating Company, Inc.	No Bid	9,972.00

BIDS - PLUMBING FIXTURES FOR MEMORIAL STADIUM AND MALVERN HILLS PARK

5. Consideration was given to bids received at 2:00 o'clock p. m. on April 24, 1974 for plumbing fixtures for Memorial Stadium and at 2:30 o'clock p. m. on April 24, 1974 for similar plumbing fixtures for Malvern Hills Park.

Thursday - May 9, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., J. W. Hoyle, Bill B. Horton, Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of the May 2, 1974 meeting.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, the minutes of the May 2, 1974 meeting were approved as submitted.

CANCELLATION OF PUBLIC HEARING ON CONSTRUCTION MORATORIUM FOR TUNNEL ROAD

2. Before proceeding with the regular agenda, Mayor Wood called attention to a public hearing scheduled for May 16th on a construction moratorium for Tunnel Road and S. Tunnel Road. He then asked the Corporation Counsel, William C. Moore to read a prepared opinion relative to this public hearing. The opinion follows:

"The question of a Moratorium on additional construction on lots fronting on Tunnel Road, U. S. Highway 70 and U. S. Highway 74 to its point of intersection with N. C. Highway 81 has been submitted to me for an opinion.

The general ordinance-making power of a City is derived from North Carolina General Statute 160A-174 which allows a City to define, prohibit, regulate or abate acts, omissions, or conditions detrimental to the health, safety, welfare of its citizens and the peace and dignity of the city, and to define and abate nuisances. Any ordinance passed by the City of Asheville would, of course, have to be consistent with the constitution and laws of the State of North Carolina and the United States. The question of the right of a municipality in North Carolina to impose a Moratorium has not been specifically authorized by the General Statutes and the Council would have to rely as its authority on the above referred to statute.

The passage by the City Council of an ordinance authorizing a Moratorium on construction in the above cited areas, if tested in the Courts of our State, would have to be weighed as to its reasonableness, the immediate threats to health, safety and the general welfare of the public in general, against the restrictions placed on the use of private property by its owner. The reasonableness hereinabove referred to would apply not only to the immediacy of the threat to health and safety but, would have to be reasonable in the period of time that it would exist. It is my opinion, which has been discussed with Philip T. Green, Jr., Professor of Law in the Institute of Government, Chapel Hill, North Carolina and Mr. James Bullock of the North Carolina Attorney General's Office, that the current North Carolina Supreme Court would demand a rather high level proof as to the existence of emergency conditions and reasonableness before it would allow such an ordinance to stand. An examination has been made as to the present existence of traffic, sewer, water and other health and safety conditions as the same now exist on Tunnel Road. The possible effect that any new construction (such as the K-Mart Shopping Center) is not of such significance as to render the highways in close proximity thereto, unsafe for use. In fact, studies could tend to show that the reduction in speed and the increase of the number of cars traveling the highways would tend to make highway travel safer. The only new highway relief in sight for the Tunnel Road area is the construction of an additional road in the vicinity of the Haw Creek School and the open cut adjacent to the Tunnel. The open cut is, at present,

ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL - CITY PARTICIPATION DAY

After the regular Council meeting members of the Asheville-Buncombe County Youth Council, concluding a day of visiting the various departments of City Government, took over the Council Chamber for their own meeting. This was a part of the Annual City Participation Day observed each year by the Youth Council.

Adjournment.

Richard A. Wood Jr.
MAYOR

William J. Hollaway
CITY CLERK

Mr. W. C. King, Acting Director of the Asheville Housing Authority, advised Council that this action was necessary to provide right of way for the relocation of a ramp from the Expressway to Charlotte Street.

Councilman Morris moved for the approval of the subdivision plat, which was seconded by Vice-Mayor Marshall and carried unanimously.

REZONING - WARD 9, SHEET 7, LOTS 27-1/4 AND 28-1/4 -PROPERTY LYING BETWEEN 669 MERRIMON AVENUE AND 32 LONG STREET

4. Consideration was given to the request for rezoning Lots 27-1/4 and 28-1/4 Ward 9, Sheet 7, from RA-6 Residential District to Neighborhood Trading Area.

The City Manager read a letter from the Planning and Zoning Commission recommending that the request be approved.

Councilman Morris moved that a public hearing on the rezoning matter be held on May 30, 1974 and that the required legal advertisement be made at the petitioner's expense. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

REZONING - WARD 5, SHEET 12, LOT 200 - 5 VERMONT AVENUE

5. Consideration was given to the request for rezoning Lot 200, Ward 5, Sheet 12, from RA-6 Residential District to Business, owned by Mr. and Mrs. G. W. Lambert.

The City Manager read a letter from the Planning and Zoning Commission recommending that the request be approved.

Councilman Morris moved that a public hearing on the rezoning matter be held on May 30, 1974 and that the required legal advertisement be made at the petitioner's expense. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

GROUP DEVELOPMENT - K-MART SHOPPING CENTER - TUNNEL ROAD

6. Consideration was given to a recommendation from the Planning and Zoning Commission relative to a group development for K-Mart Shopping Center on Tunnel Road.

The City Manager read a letter from the Planning and Zoning Commission recommending the approval of the group development with the following stipulations:

1. That the excavation and fill requirements noted in the grading permit issued on March 8, 1974, by the City of Asheville and in the requirements noted in N. C. Department of Transportation memorandum dated April 12, 1974 be strictly adhered to by the developer;

2. That the developer provide the required number of loading bays for the K-Mart department store as stipulated in the existing Asheville Zoning Ordinance (Ordinance #322, Sec. 10, Paragraph B(5), page 46). The ordinance requires four (4) loading bays for a facility of the size proposed by the developer;

number one on the list of priorities with the Department of Transportation and has been for a period of approximately three years. The best estimate that can be obtained as to the completion date of the open cut is from four to seven years.

The denial of unlimited use by property owners of their property for a period of four to seven years would, in my opinion, be unreasonable and an undue burden on all lot owners with lots fronting on the above referred to highways, The North Carolina Supreme Court tends to frown on local regulations which have the effect of denying the owner of property any reasonable use of his land as evidenced by the case of Helms vs. Charlotte, 275 N. C. 647 (1961).

Certain changes in the ordinances of the City of Asheville especially relating to the obtaining of grading permits from the City Manager have been suggested by Mr. Verl R. Emrick, Jr., in a communication to my office dated May 1, 1974, which I would recommend to the Council as allowing more safeguards against uncontrolled construction in the City. In my opinion, based on the information furnished and on legal research, nothing else appearing, an ordinance prohibiting construction on the above referred to areas would not be upheld by the Appellate Courts of our State."

Mayor Wood advised Council that in light of Mr. Moore's opinion it would be up to Council as to whether or not to proceed with the public hearing.

Councilman Morris stated that he saw no reason for holding a public hearing but was reluctant to make a motion as he owned property on Tunnel Road.

In making a motion that the public hearing be cancelled, Councilman Ochsenreiter suggested that Council take some responsibility in the regulation of traffic control on Tunnel Road. This motion was seconded by Councilman Hoyle.

On inquiry of Councilman Horton, Mr. Moore advised that it was his opinion that the acute traffic situation would not in itself warrant the placing of a construction moratorium on Tunnel Road.

Mr. William Frue, attorney for K-Mart Shopping Center, who are planning the construction of a shopping center on Tunnel Road, spoke briefly on behalf of his client and said that he concurred with Mr. Moore's opinion.

Mayor Wood then called for a vote on Councilman Ochsenreiter's motion, which was carried unanimously.

After a suggestion by Councilman Ochsenreiter that some action be taken by Council to relieve the traffic situation a discussion followed that concluded with Mayor Wood appointing Councilmen Hoyle, Horton and Morris to a committee to meet with the representatives of the State Highway Commission to discuss possible solutions. Mr. Verl Emrick of the Planning Staff was also added to this committee. The City Clerk was instructed to arrange this meeting and the Corporation Counsel was instructed to proceed with the draft of an ordinance which would update the present grading ordinance.

SUBDIVISION PLAT - CIVIC REDEVELOPMENT PROJECT N. C. R-13 - REVISION OF LOT 24

3. Consideration was given to the approval of a subdivision plat for the revision of Lot 24 of the Civic Redevelopment Project N. C. R-13.

The City Manager advised Council that he had received memorandums from the Corporation Counsel and Director of Public Services recommending approval of the plat.

The City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Morris, Resolution No. 74-66 was unanimously adopted.

Complete text of Resolution No. 74-66 will be found in Resolution Book No. 7 at page 246.

Mayor Wood instructed the City Manager to follow up with the approval from HUD on this project.

RESOLUTION NO. 74-67 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE PERMITTING AND REGULATING THE USE OF BITUMINIZED FIBER SEWER PIPE WITHIN THE CITY OF ASHEVILLE

9. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance permitting and regulating the use of bituminized fiber sewer pipe within the City of Asheville.

The City Manager read the resolution.

Councilman Colton moved for the adoption of the resolution and to set the public hearing for June 20, 1974. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Complete text of Resolution No. 74-67 will be found in Resolution Book No. 7 at page 247.

SCHEDULING OF PUBLIC HEARING - APPROVAL OF APPLICATION FOR CAPITAL GRANT TO PURCHASE REPLACEMENT BUSES

10. Consideration was given to a request of the City Manager for a notice of public hearing relative to the approval of an application for a Capital Grant to purchase replacement buses for the City of Asheville Transit System under the Urban Mass Transportation Section of the Federal Highway Act of 1973.

Councilman Morris moved to grant the request for a public hearing and to schedule the public hearing for June 20, 1974. This motion was seconded by Councilman Hoyle and carried unanimously.

REPORT OF CITY MANAGER - RENOVATION OF THE CITY HALL BUILDING

11. The City Manager in reporting on the necessary renovations to the City Hall Building read a detailed report submitted by Baber, Cort and Wood architectural firm.

Mayor Wood excused Councilman Hoyle from the Council meeting at 4:00 o'clock p. m.

At the conclusion of the report the City Manager recommended that the outside masonary renovation and the repairs to be done on the roof be included in the 1974-75 budget. He said that $81,000 had been appropriated in the 1973-74 budget but that it was found that the work to be accomplished exceeded this amount.

3. That the developer widen the northern entrance to facilitate greater ease and safety for patrons wishing to exit the shopping area at this point; and

4. That the developer delete the proposed restaurant until an adequate service drive for delivery and garbage pick-up can be provided. Further, that the plans be redrawn to show specifically how the service drive will be accomplished before the Commission reviews any amendments to the plans conditionally approved on May 2, 1974. Finally, that if the developer chooses to submit an amendment to his plan to include a restaurant, it will be required to be no larger than 4,200 square feet with no more than 2,130 square feet of dining area and seat no more than 120 people. (These specifications are those delineated on the plans received on April 25, 1974, by the staff). The reason for imposing these specifications is simply that if the facility is larger and seats more people, the overall parking requirements for the project cannot be met by the developer.

The City Manager advised Council that he had been assured by the Planning and Zoning Commission that all these stipulations had been met before the favorable recommendation had been made.

Councilman Morris moved that a public hearing on the matter be held on May 30, 1974 and that the required legal advertisement be made at the petitioner's expense. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

RESOLUTION NO. 74-65 - RESOLUTION AMENDING COMPREHENSIVE CITY DEMONSTRATION PROGRAM, THIRD ACTION YEAR PLAN, BY ADOPTION AND INCLUSION THEREIN OF TWO (2) NEW PROJECTS, "MONTFORD AVENUE AREA - COMMUNITY CENTER" AND "PURCHASE OF SENIOR OPPORTUNITIES PROJECT BUILDING ON GROVE STREET

7. Consideration was given to a resolution amending Comprehensive City Demonstration Program, Third Action Year Plan, by adoption and inclusion therein of two (2) new projects, "Montford Avenue Area - Community Center" and "Purchase of Senior Opportunities Project Building on Grove Street.

The City Manager presented the resolution and advised that relative to the purchase of the Senior Opportunities Project Building an appraisal had been received in the amount of $169,600 and that the City has an option to purchase the property at $140,000.00.

Councilman Horton in moving to adopt the resolution commented that the purchase of the Senior Opportunity Center Building on Grove Street and the Montford Avenue Area-Community Center Projects had been mentioned more than any other projects and he favored proceeding with the approval of these projects. This motion was seconded by Councilman Hoyle and carried unanimously.

Complete text of Resolution No. 74-65 will be found in Resolution Book No. 7 at page 244.

RESOLUTION NO. 74-66 - RESOLUTION AUTHORIZING THE MAYOR TO NEGOTIATE AND PURCHASE THE SENIOR OPPORTUNITY CENTER AND ADJACENT PROPERTY - 36 GROVE STREET AND 40 GROVE STREET

8. Consideration was given to a resolution authorizing the Mayor to negotiate and purchase the Senior Opportunity Center and adjacent property - 36 Grove Street and 40 Grove Street.

RESOLUTION NO. 74-71 - RESOLUTION APPOINTING MEMBER OF THE WESTERN NORTH CAROLINA REGIONAL AIR POLLUTION BOARD

15. Consideration was given to a resolution appointing member of the Western North Carolina Regional Air Pollution Board. (Dr. Roy F. Roberts)

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Morris, Resolution No. 74-71 was unanimously adopted.

Complete text of Resolution No. 74-71 will be found in Resolution Book No. 7 at page 251.

REPORT ON PROGRESS OF EAST RIVERSIDE URBAN RENEWAL N. C. R-48

16. Councilman Ochsenreiter called on Mr. W. C. King, Acting Director of the Asheville Housing Authority to report on the progress being made relative to the East Riverside Urban Renewal Project N. C. R-48.

Mr. King reported that with the approval of the project, an engineering firm had been employed and preliminary engineering work had been accomplished. He said the engineers were now concentrating on a housing site in the south section of the project for 164 units, 34 of which will be single family dwellings. He said they would lose federal funds if these units were not completed within 22 months of January 1, 1974. He said that the next area of concentration would be in the northern section of the project, which would include some 50 single family lots to be made available to the general public and this should be completed by July 31, 1974. By August 30, 1973 bids should be received for public improvements and should be completed by January 1, 1975. He said that there was some 20 single family lots that could be put on the market for public purchase by August 1, 1974. He said he had been assured by the engineers that everything from Phifer Street to Fifth Avenue would be completed by January 1, 1975. He advised Council that two lots had been sold on Ora Street and construction was in progress on these lots at this time. He also stated that there were two lots on Olive Street and two additional lots on Ora Street for which he was unable to find developers.

Carl Johnson explained that as a result of changes in federal rent subsidy the Housing Authority was going up on monthly rents. Mr. Johnson pointed out that there were two types of rental units that the Housing Authority had available "conventional" and "lease" type. Mr. Johnson suggested that the Department of Housing and Urban Development be asked to drop the income requirement for the "lease" housing due to the short supply of low income housing in Asheville. Under this plan people that could afford to pay higher rents would rent the "lease" housing and thereby make up the amount needed to subsidize the operational costs of the Housing Authority, while people in the "conventional" housing would pay at the same rate they were paying before the new plan went into effect.

Mr. W. C. King, Acting Director of the Housing Authority, pointed out that Mr. Johnson's proposal would defeat the purpose of public housing and that Asheville was not likely to get any special consideration since this was a national problem. However, he said he would mention Mr. Johnson's suggestion at the Southeastern meeting of housing officials to be held in June.

He said the first phase of the work would be to complete the exterior renovation and the roof and that he was including $155,000 in the 1974-75 budget for this purpose. He asked for Council's thoughts on instructing the architects to proceed with working drawings so that this work could be started at an early date.

In the discussion that followed, Council questioned the urgency of the work and how much would have to be done at the present time. It was suggested that the City Manager arrange for the architect to attend a future Council meeting to clear up these details.

RESOLUTION NO. 74-68 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE CROSSING SR 2408 AND SR 2002 TO EXISTING 36" MAIN

12. Consideration was given to a resolution authorizing Mayor to execute right of way encroachment agreement with the North Carolina State Board of Transportation for water line crossing SR 2408 and SR 2002 to existing 36" main.

The City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Ochsenreiter, Resolution No. 74-68 was unanimously adopted.

Complete text of Resolution No. 74-68 will be found in Resolution Book No. 7 at page 248.

RESOLUTION NO. 74-69 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE EXTENDING ALONG SR 1349- SR 1353 - SR 1357.

13. Consideration was given to a resolution authorizing Mayor to execute right of way encroachment agreement with the North Carolina State Board of Transportation for water line extending along SR 1349- SR 1353 - SR 1357.

The City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Ochsenreiter, Resolution No. 74-69 was unanimously adopted.

Complete text of Resolution No. 74-69 will be found in Resolution Book No. 7 at page 249.

RESOLUTION NO. 74-70 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE A CONTRACT WITH WILBUR SMITH AND ASSOCIATES, INC. FOR THE PREPARATION OF PLANS AND SPECIFICATIONS FOR THE MUNICIPAL PARKING FACILITY.

14. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute a contract with Wilbur Smith and Associates, Inc. for the preparation of plans and specifications for the Municipal Parking Facility.

The City Manager read the resolution.

Upon motion of Councilman Horton, seconded by Councilman Ochsenreiter, Resolution No. 74-70 was unanimously adopted.

Complete text of Resolution No. 74-70 will be found in Resolution Book No. 7 at page 250.

Thursday - May 16, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Bill B. Horton, Henry L. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Eugene C. Ochsenreiter, Jr.

1. Approval of minutes of the May 9, 1974 meeting.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, the minutes of the May 9, 1974 meeting were approved as submitted.

RENOVATION OF CITY HALL BUILDING

2. Before proceeding with the regular agenda, Mr. John Cort, of Baber, Cort and Wood architects, reviewed with Council his recommendations for the renovation of the City Hall Building. He said that a complete renovation to the exterior of the building would cost approximately $285,000. However, if funds were not available at this time for the complete exterior renovation of the building and replacement of all windows, he recommended that a complete exterior renovation of masonry and roofing be done first and windows added as funds become available. He said this would reduce the initial budget to a minimum of $155,000. He did recommend that windows be replaced at this time on the Seventh and Eighth floors. He said each additional floor of windows would cost approximately $20,000 and could be accomplished as more funds were available. He said he recommended the first phase be initiated immediately to prevent further leakage and deterioration of the building.

The City Manager, in his report on May 9, 1974, also recommended that the first phase of the work, to complete the exterior renovation and the roof, be included in the 1974-75 budget and that he had included $155,000 in the budget for this purpose. He further recommended that he be authorized to instruct the architects to proceed with the working drawings so the work could be started immediately after the adoption of the 1974-75 budget.

Councilman Morris moved to accept the recommendations of the City Manager. This motion was seconded by Councilman Horton and carried unanimously.

PUBLIC HEARING - JIM YODER - GROUP DEVELOPMENT -985 HAYWOOD ROAD

3. A public hearing was held to consider a site plan of a business development to be located at 985 Haywood Road for Jim Yoder, Developer.

Mayor Wood opened the public hearing at 3:23 o'clock p. m.

The City Manager read the affidavit of publication setting the time and date for the public hearing.

Mr. Nick Kmecza, Director of Planning, advised Council that the Planning and Zoning Commission had reviewed the site plan and voted unanimously to recommend the approval of the plan. He explained that it was necessary for Council to approve this under Section 9 C Group Development Section of the Asheville Zoning Ordinance No. 322 since the developer was placing two separate buildings on one lot.

CALVIN TODD - COMPLAINT - WATER BILL FOR 29 CUMBERLAND AVENUE

Calvin Todd, a resident of 199 Vermont Avenue, issued a complaint regarding an excessive water bill for a residence he owned at 29 Cumberland Avenue.

The City Manager was instructed to investigate this matter.

Adjournment.

Richard D. Wood, Jr.
MAYOR

Miriam F. Bolcavage
CITY CLERK

Mayor Wood closed the public hearing at 3:58 o'clock p. m. and requested the City Manager to read the proposed ordinance.

Councilman Morris suggested that because of the dangerous condition of the property he thought it advisable to speed up the demolition process and proceed to pass the ordinance on three readings at this time.

Councilman Colton then moved for the adoption of the ordinance, which was seconded by Councilman Hoyle.

On a roll call vote of 5 - 0, Ordinance No. 803 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed with the second reading of the ordinance, This motion was seconded by Vice-Mayor Marshall and carried unanimously.

On a roll call vote of 5 - 0, Ordinance No. 803 passed on its second reading.

Councilman Morris again moved to suspend the rules and proceed with the third reading of the ordinance. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5 - 0, Ordinance No. 803 passed on its third and final reading.

Complete text of Ordinance No. 803 will be found in Ordinance Book No. 6 at page 68.

Mayor Wood instructed Mr. Johnson to give the property owner written notice that the ordinance had been passed on three readings and that she had 15 days before the ordinance becomes effective.

ORDINANCE NO. 804 - ORDINANCE AMENDING SECTION 2-57 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

6. Consideration was given to an ordinance amending Section 2-57 of the Code of Ordinance of the City of Asheville.

The City Manager read the ordinance.

Mr. Michalove, Assistant City Manager, in reviewing the amendments stated that this was on the advise of the Regional Interagency Coordinating Committee and the changes were being recommended by the Model Cities Commission in preparation of the phase down of the Model Cities Agency. He pointed out that as stated in the ordinance the major changes were in the membership in the method of filling any vacancies and that the monthly meeting requirement was being changed to an on-call basis.

Councilman Colton moved for the adoption of the ordinance, which was seconded by Councilman Hoyle.

On a roll call vote of 5 - 0, Ordinance No. 804 was passed on its first reading.

There being no opposition to the plan, Mayor Wood closed the public hearing at 3:31 o'clock p. m.

Vice-Mayor Marshall moved to approve the site plan, which was seconded by Councilman Hoyle and carried unanimously.

PUBLIC HEARING - ZONING OF NEWLY ANNEXED OTEEN AREA UNDER THE PRESENT ZONING ORDINANCE

ORDINANCE NO. 802 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

4. A public hearing was held to consider zoning the newly annexed Oteen area under the present zoning ordinance.

Mayor Wood opened the public hearing at 3:32 o'clock p. m.

The City Manager read the affidavit of publication setting the time and date for the public hearing.

Mr. Nick Kmecza, Director of Planning, with the aid of a map reviewed with Council the boundaries as proposed to be zoned.

Mayor Wood closed the public hearing at 3:45 o'clock p. m. and requested the City Manager to read the prepared ordinance amending Ordinance # 322.

Before taking action on the ordinance Corporation Counsel William C. Moore suggested that the ordinance be amended to include Lots 4 and 131, Sheet 17, Ward 8 as Neighborhood Trading Area. He noted that these lots were now occupied by a drive-in theatre.

Councilman Morris moved to amend the ordinance to include Lots 4 and 131, Sheet 17, Ward 8 as Neighborhood Trading Area. This motion was seconded by Vice-Mayor Marshall and was carried on a roll call vote of 5 - 0.

Councilman Morris then moved to adopt the ordinance, which was seconded by Vice-Mayor Marshall.

On a roll call vote of 5 - 0, Ordinance No. 802 passed on its first reading.

PUBLIC HEARING - DEMOLITION OF 215 SOUTH LIBERTY

ORDINANCE NO. 803 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THAT APARTMENT BUILDING KNOWN AS 215 SOUTH LIBERTY STREET

5. A public hearing was held to consider the adoption of an ordinance directing the Housing Officer to demolish that apartment building known as 215 South Liberty Street.

Mayor Wood opened the public hearing at 3:53 o'clock p. m.

The City Manager read the affidavit of publication setting the time and date for the public hearing.

Mr. J. E. Johnson, Building Inspector, advised Council that he had followed legal procedures in bringing the present action before Council and that the property owner, Mrs. Elizabeth C. Gage, had been duly notified and had made very little effort to clean up the property. He presented pictures showing the condition of the property at this time and stated that the structure was unfit for human habitation and was unsafe and dangerous.

The City Manager read the resolution.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall, Resolution No. 74-74 was unanimously adopted.

Complete text of Resolution No. 74-74 will be found in Resolution Book No. 7 at page 254.

PERMIT - DEGELLER SHOWS - MAY 23 - JUNE 1

11. The City Manager presented an application from F. B. Gooden, representative of Degeller Shows, for a municipal permit to exhibit its attractions in the City of Asheville from May 23rd through June 1, 1974.

Councilman Colton moved to approve the application, which was seconded by Vice-Mayor Marshall and unanimously adopted.

Adjournment.

Richard A. Wood, Jr.
MAYOR

Marian S. McCarty
CITY CLERK

RESOLUTION NO. 74-72 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE EASEMENT IN FAVOR OF THE CAROLINA POWER AND LIGHT COMPANY

7. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute easement in favor of the Carolina Power and Light Company on Gashes Creek Road for the purpose of installing an electric power line to the Recreation Park.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Horton, Resolution No. 74-72 was unanimously adopted.

Complete text of Resolution No. 74-72 will be found in Resolution Book No. 7 at page 252.

RESOLUTION NO. 74-73 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ACCEPT CERTAIN PROPERTY LYING IN THE COUNTY OF BUNCOMBE

8. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to accept certain property lying in the County of Buncombe.

The City Manager read the resolution and advised Council that this was the deed to certain properties formally part of the Oteen Veterans Hospital, which included a water tank and water lines which would provide a substantial improvement to the City of Asheville water distribution system and that this property is being acquired without cost to the City.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, Resolution No. 74-73 was unanimously adopted.

Complete text of Resolution No. 74-73 will be found in Resolution Book No. 7 at page 253.

RESOLUTION NO._____- RESOLUTION AWARDING CONTRACTS FOR ADDITIONS TO THE TERMINAL BUILDING AT THE ASHEVILLE AIRPORT

9. Consideration was given to a resolution awarding contracts for additions to the terminal building at the Asheville Airport.

The City Manager read the resolution and a recommendation from Six Associates, Inc. who recommended the award of the contract. He advised Council that the project was to be funded 75% General Fund and 25% Revenue Sharing funds.

In the discussion, Council felt that it was advisable that the entire project should be funded from Revenue Sharing funds and Mayor Wood requested that the resolution be deferred until this matter was resolved.

RESOLUTION NO. 74-74 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR ATTACHMENT OF A 6" C. I. M. J. WATER MAIN TO THE NORTHWEST SIDE OF BRIDGE AT STATION 227+ 68.40 CARRYING U. S. 19-23 OVER SOUTHERN RAILWAY COMPANY'S TRACKS ON STATE PROJECT 6.8410019

10. Consideration was given to a resolution authorizing the Mayor to execute right of way encroachment agreement with the North Carolina State Board of Transportation for attachment of a 6" C. I. M. J. water main to the northwest side of bridge at Station 227+ 68.40 carrying U. S. 19-23 over Southern Railway Company's tracks on State Project 6.8410019.

Councilman Horton requested the Corporation Counsel to research the General Statutes as to whether municipalities had to follow the guidelines set forth in the Statutes.

Councilman Morris moved for the adoption of the ordinance, which was seconded by Vice-Mayor Marshall.

On a roll call vote of 4 - 0, Ordinance No. 805 passed on its first reading.

RESOLUTION NO. 74-75 - RESOLUTION REQUESTING THAT THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE CONTRACT FOR CERTAIN IMPROVEMENTS TO BE MADE IN THE EAST RIVERSIDE URBAN RENEWAL PROJECT N. C. R-48

5. Consideration was given to a resolution requesting that the Housing Authority of the City of Asheville contract for certain improvements to be made in the East Riverside Urban Renewal Project N. C. R-48.

The City Manager read the resolution and explained that a bond issue for $1,400,000 was passed to provide funds required to finance the City's portion of the East Riverside Urban Renewal Project, and there was a sufficient amount left, with interest to be accured during the period of construction, to take care of the project as set forth in the Cooperation Agreement.

Upon motion of Councilman Colton, seconded by Councilman Horton, Resolution No. 74-75 was unanimously adopted.

Complete text of Resolution No. 74-75 will be found in Resolution Book No. 7 at page 255.

ORDINANCE NO. 806 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1973-74

6. Consideration was given to an ordinance amending the operating budget of the City of Asheville for the fiscal year 1973-74.

The City Manager read the ordinance and advised Council that funds had been appropriated in the 1973-74 budget for the expansion of the Asheville Airport Terminal Building and that bids had been received to complete this work. However, he said, since this was an eligible Revenue Sharing Fund project it seemed advisable to use these funds. Therefore he was requesting the amendment to the operating budget appropriating $83,000 from the Revenue Sharing Trust Fund. He said that if Council approved this ordinance he would present for their consideration the bids received for the Terminal Building expansion.

Councilman Colton moved for the adoption of the ordinance which was secondeded by Councilman Morris.

On a roll call vote of 4 - 0, Ordinance No. 806 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of the ordinance. This motion was seconded by Councilman Colton and carried unanimously.

On a roll call vote of 4 - 0, Ordinance No. 806 passed on its second reading.

Thursday - May 23, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr. Bill B. Horton, Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilmen Eugene C. Ochsenreiter and J. W. Hoyle

1. Approval of minutes of the May 16, 1974 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Colton, the minutes of the May 16, 1974 meeting were approved as submitted.

ORDINANCE NO. 802 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Oteen Area)

2. Consideration was given to the second reading of Ordinance No. 802, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Oteen Area)

On a roll call vote of 4-0, Ordinance No. 802 passed on its second reading.

ORDINANCE NO. 804 - AN ORDINANCE AMENDING SECTION 2-57 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE. (Model Cities)

3. Consideration was given to the second reading of Ordinance No. 804, an ordinance amending Section 2-57 of the Code of Ordinances of the City of Asheville.

On a roll call vote of 4 - 0, Ordinance No. 804 passed on its second reading.

ORDINANCE NO. 805 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF AHSEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1974 AND ENDING JUNE 30, 1975.

4. Consideration was given to an ordinance levying, assessing, imposing, and defining the license and privilege taxes of the City of Asheville for the fiscal year beginning July 1, 1974 and ending June 30, 1975.

The Corporation Counsel read the ordinance.

Councilman Horton questioned the responsibility of having to obtain a privilege license for each class, such as a drug store obtaining a license for tobacco products, soft drinks, ice cream, magazines, etc. He said he felt that businesses were being over taxed by having to purchase a separate license for each item they sell.

The City Manager advised Councilman Horton that the ordinance was set up under the guidelines set forth in the General Statutes of North Carolina.

MECHANICAL

Bidder	Bid
W. H. Arthur Company	$ 15,680
Asheville Heating/Cooling, Inc.	11,288
Moser, Inc.	No Bid
Rogers Plumbing & Heating	17,225
Twentieth Century Heating Co., Inc.	16,320

ELECTRICAL

Bidder	Bid
Bryant Electric Corporation	$ 11,821
Hayes & Lunsford Electric Co.	9,719
M. B. Haynes Electric Corporation	8,905
El-Con, Inc.	14,468

RESOLUTION NO. 74-77 - RESOLUTION REQUESTING THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO IMPROVE TUNNEL ROAD FOR BETTER TRAFFIC MOVEMENT AND SAFETY

8. Consideration was given to a resolution requesting the North Carolina Department of Transportation to improve Tunnel Road for better traffice movement and safety.

The City Manager read the resolution.

It was noted by Councilmen Morris and Horton that this resolution was the result of a meeting held this week with Mr. Frank Hutchinson, State Highway Division Engineer, to try and resolve some of the traffic problems on Tunnel Road.

Councilman Morris stated that it was his opinion that the State Highway Commission should ask their engineers to look into the Tunnel Road improvements and suggested that a copy of the resolution be transmitted to Mr. Hutchinson, along with a cover letter requesting their suggestions and assistance in improving the traffic conditions on Tunnel Road, and that the Highway Department be further advised that the City Planning staff would be available to discuss the matter and offer their services.

Upon motion of Councilman Horton, seconded by Councilman Colton, Resolution No. 74-77 was unanimously adopted.

Complete text of Resolution No. 74-77 will be found in Resolution Book No. 7 at page 259.

PROCLAMATION - NATIONAL INSURANCE WOMENS WEEK - MAY 19- 25

Mayor Wood proclaimed the week of May 19-25 as National Insurance Women's Week.

Adjournment.

Richard A. Wood Jr.
MAYOR

William D. Moseley
CITY CLERK

Councilman Morris again moved to suspend the rules and proceed to the third reading. This motion was seconded by Councilman Colton and carried unanimously.

On a roll call vote of 4 - 0, Ordinance No. 806 passed on its third and final reading.

Complete text of Ordinance No. 806 will be found in Ordinance Book No. 6 at page 76.

RESOLUTION NO. 74-76 - RESOLUTION AWARDING CONTRACTS FOR ADDITIONS TO THE TERMINAL BUILDING AT THE ASHEVILLE AIRPORT.

7. Consideration was given to a resolution awarding contracts for additions to the Terminal Building at the Asheville Airport.

The City Manager read the resolution. He concurred with the recommendations of Six Associates, Inc., architects, that contracts be awarded to the following low bidders:

General Contract - Price-Ray Constructors $59,000 plus $800 for dining room carpeting for a total of $60,100.

Mechanical - Asheville Heating and Cooling, Inc. - $11,288.

Electrical - M. B. Haynes Electric Corporation - $ 8,905.

Councilman Horton moved to accept the recommendations of the City Manager and Six Associates and moved for the adoption of the resolution awarding the contracts to the low bidders. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Complete text of Resolution No. 74-76 will be found in Resolution Book No. 7 at page 257

Bid Summary

Additions to Terminal Building for Asheville Airport

GENERAL CONTRACT

Bidder	Bid	Alternate
C. C. Blount Associates, Inc.	$60,930	- $200
Buncombe Construction Co., Inc.	65,350	+ $470
J. P. Huggins, Jr.	75,428	+ $500
Mountain Shore Construction Corp.	74,000	N. B.
Price-Ray Constructors	59,300	+ $800
H. M. Rice & Son, Inc.	64,888	+ $1,200
Southworth Construction Co., Inc.	61,200	+ $2,500

Councilman Morris moved to approve the K-Mart Shopping Center site plan in accordance with the recommendation of the Planning and Zoning Commission provided the special conditions set forth by the Commission in their recommendation had been complied with. His motion further provided that the site plan be amended to require K-Mart to cooperate with the N. C. Department of Transportation, if they so desire, in the construction of a 12' additional lane on the east side of U. S. 74 from the entrance to the shopping center to their north property line. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

PUBLIC HEARING - REZONING OF LOTS 27-1/4 AND 28-1/4, SHEET 7, WARD 9 - 16 LONG STREET

3. A public hearing was held to consider the rezoning of Lots 27-1/4 and 28-1/4, Sheet 7, Ward 9 from RA-6 Residential to Neighborhood Trading Area, owned by Mr. Kremer W. Phillips and requested by Mr. Fred Pearlman.

Mayor Wood opened the public hearing at 3:46 o'clock p. m.

The City Manager read the affidavit of publication setting the time and date for the public hearing.

Mr. Verl Emrick, of the Planning staff, read a report of the Planning and Zoning Commission which recommended that the lots be rezoned.

Mr. Fred Pearlman, speaking in behalf of the owner, presented photographs of the lots and said that a commercial development is planned.

Mayor Wood closed the public hearing at 3:56 o'clock p. m.

The City Manager read a proposed ordinance which would amend the zoning ordinance and rezone the lots in question.

Councilman Colton moved for the adoption of the ordinance, which was seconded by Councilman Hoyle.

On a roll call vote of 6-0, Ordinance No. 807 passed on its first reading.

PUBLIC HEARING - REZONING - LOT 200, SHEET 12, WARD 5 - 5 VERMONT AVENUE

4. A public hearing was held to consider rezoning Lot 200, Sheet 12, Ward 5, from RA-6 Residential District to Business, property owned by G. W. Lambert and the rezoning request made by the Wachovia Bank and Trust Company to expand their parking facilities.

Mayor Wood opened the public hearing at 4:00 o'clock p. m.

The City Manager read the affidavit of publication setting the time and date for the public hearing.

Verl Emrick, of the Planning staff, read a report from the Planning and Zoning Commission which recommended that the lots be rezoned.

Mayor Wood closed the public hearing at 4:05 o'clock p. m.

The City Manager read the proposed ordinance amending the zoning ordinance and rezone the lot in question.

Thursday - May 30, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., J. W. Hoyle, Ralph D. Morris, Jr., Bill B. Horton, Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of the May 23, 1974 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Colton, the minutes of the May 23, 1974 meeting were approved as submitted.

PUBLIC HEARING - K-MART SHOPPING CENTER - GROUP DEVELOPMENT

2. A public hearing was held to consider the approval of a site plan for the K-Mart Shopping Center to be located on S. Tunnel Road.

Mayor Wood opened the public hearing at 3:03 o'clock p. m.

The City Manager read the affidavit of publication setting the time and date for the public hearing.

Mr. Verl Emrick, of the Planning Staff, reviewed in detail the site plan for Council. He stated that the Planning and Zoning Commission had recommended the approval of the plan subject to the adherence of certain conditions set forth in the recommendations. These conditions were cited in detail in the minutes of the May 9th meeting and are not being repeated at this time. However, Mr. Emrick in presenting his review stated that K-Mart, as of May 2, 1974, had complied with these special conditions.

Council was assured that the grade slopes would meet the minimum requirements and that adequate seeding and planting for screening was included in the plan.

Council voiced considerable concern over the entrances and exits to the development from U. S. 74. It was felt that since these accesses were directly opposite from the lower access to the Asheville Mall a congested area would be created and that consideration should be given to the widening of U. S. 74 to as many as six lanes at this intersection.

Mr. William Frue, attorney for K-Mart, assured Council that every effort had been made to cooperate with the Planning and Zoning Commission and the State Highway Commission in the planning of the shopping center and that this cooperative effort would be continued in the way of supplying the necessary right of way for any required widening.

Mrs. Lockwood, of 37 Stuyvesant Road, asked what kind of treatment for pollution had been made at the point of discharge, such as the water coming from the parking lots and roofs.

Mr. Emrick informed Mrs. Lockwood that the developer was going to drain the water into a rock and sand type filter system.

Mayor Wood closed the public hearing at 3:43 o'clock p. m.

BIDS - BALL FIELD LIGHTING SYSTEM AT WALTON STREET PARK AND WEAVER PARK

8. Consideration was given to bids received May 30, 1974 to construct ball field lighting system at Walton Street Park and Weaver Park.

The City Manager read memorandums from the Purchasing Agent and the Director of Parks and Recreation which recommended the low base bid in the amount of $18,500 from Electrical Constructors of America, Inc. He said the alternate bid was requested primarily to determine if a savings could be made with the City furnishing the material. However, he said after investigation it was found that the City could not purchase the materials for less than the amount specified by the contractor and therefore it was being recommended that the contractor do the "turn key" job.

Councilman Morris moved to accept the recommendations and award the contract to Electrical Constructors of America, Inc. in the amount of $18,500. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Bid Summary

Second Bid Request #209 - Construct Ballfield lighting systems at Walton Street Park and Weaver Park.

Bidder	Bid Base Bid	Alternate #1
M. B. Haynes Electric Corp.	$23,950.00	$14,880.00
Electrical Constructors of Amercia	18,500.00	10,300.00
Asheville Electric Company	19,696.00	11,496.00

BIDS - CONSTRUCT TENNIS COURT LIGHTING SYSTEM AT ASTON PARK AND WEAVER PARK

9. Consideration was given to bids received May 30, 1974 to construct tennis court lighting system at Aston Park and Weaver Park.

The City Manager read memorandums from the Purchasing Agent and the Director of Parks and Recreation Department which recommended the low base bid of $19,750 by Asheville Electric Company. He again informed Council that the City could not purchase the materials for less than the amount specified by the contractor in Alternate #1.

Councilman Colton moved to accept the recommendations and award the contract to Asheville Electric Company in the amount of $19,750. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Bid Summary

Second Bid Request #210 - Construct tennis court lighting systems as Aston Park and Weaver Park.

Bidder	Bid Base Bid	Alternate #1
M. B. Haynes Electric Corp.	$22,250.00	$ 11,992.00
Electrical Constructors of America	19,880.00	9,680.00
Asheville Electric Co.	19,750.00	10,650.00

Vice-Mayor Marshall moved for the adoption of the ordinance, which was seconded by Councilman Horton.

On a roll call vote of 6 - 0, Ordinance No. 808 was passed on its first reading.

ORDINANCE NO. 802 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS " AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Oteen Area)

5. Consideration was given to the third and final reading of Ordinance No. 802, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Oteen area)

Mayor Wood advised that members of Council had previously been furnished with copies of the ordinance and that it would not be re-read unless there was a specific request to do so.

On a roll call vote of 6 - 0, Ordinance No. 802 passed on its third and final reading.

Complete text of Ordinance No. 802 will be found in Ordinance Book No. 6 at page 66.

ORDINANCE NO. 804 - ORDINANCE AMENDING SECTION 2-57 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE (Model Cities)

6. Consideration was given to the third and final reading of Ordinance No. 804, an ordinance amending Section 2-57 of the Code of Ordinances of the City of Asheville relative to the Model Cities Commission.

Mayor Wood advised that members of Council had previously been furnished with copis of the ordinance and that it would not be re-read unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 804 passed on its third and final reading.

Complete text of Ordinance No. 804 will be found in Ordinance Book No. 6 at page 70.

ORDINANCE NO. 805 - ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1974 AND ENDING JUNE 30, 1975.

7. Consideration was given to the second reading of Ordinance No. 805, an ordinance levying, assessing, imposing, and defining the license and privilege taxes of the City of Asheville for the fiscal year beginning July 1, 1974 and ending June 30, 1975.

Councilman Horton stated that he was doing some research work relative to the proposed ordinance which he had not completed and he requested that the second reading be deferred. He moved to postpone the second reading until next week. This motion was seconded by Councilman Ochsenreiter and unanimously adopted.

Councilman Colton moved to schedule a public hearing on the 1974-75 budget for June 6, 1974. This motion wa seconded by Councilman Hoyle and carried unanimously.

Mayor Wood commented that this was a particularly difficult budget to put together and commended the City Manager and his staff for their efforts.

RESOLUTION NO. 74-80 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE CONNECTION TO 8" MAIL UNDER U. S. 70

13. Consideration was given to a resolution authorizing the Mayor to execute right of way encroachment agreement with the North Carolina State Board of Transportation for water line connection to 8" main under U. S. 70.

The Assistant City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 74-80 was unanimously adopted.

Complete text of Resolution No. 74-80 will be found in Resolution Book No. 7 at page 263

MEALS-ON-WHEELS PROJECT -- REQUEST FOR FINANCIAL ASSISTANCE

14. Mr. Stewart Spragins, Chairman of the Committee that has been working on the Meals-on-Wheels Program explained the progress of the volunteer committee and that they were planning to start the program July 1, 1974.

Mr. Spragins requested financial assistance from the City Council for salaries for two people for one year, commenting that the committee expected to raise the money for food from private donors and that it was planned that volunteers would deliver the food to the recipients.

Mr. Spragins explained that those now receiving meals under the Model Cities Program would be given priority if determined eligible by the selection committee.

Councilman Ochsenreiter moved that the Meals on Wheels Program be furnished up to $15,000 for a year for staff expense. This motion was seconded by Councilman Hoyle and carried unanimously.

REZONING PETITION - OAK HILL DRIVE - WARD 6, SHEET 20, LOT 1-3/4 - CAROLYN LAING

15. The City Manager presented a rezoning petition from James Sluder to rezone Lot 1-3/4, Sheet 20, Ward 6 from RA-6 Residential to Commercial, owned by Carolyn Laing.

In the absence of any objections from members of Council, Mayor Wood instructed the City Clerk to refer the petition to the Planning and Zoning Commission for study and recommendation.

RESOLUTION NO. 74-78 - RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION FOR A FEDERAL GRANT FOR A LEGAL ADVISOR

10. Consideration was given to a resolution authorizing the Mayor to file an application for a federal grant for a Legal Advisory.

The City Manager read the resolution.

Mr. Michalove, Assistant City Manager, explained that this was an application for a federal grant to provide the Asheville Police with supplemental legal assistance and training. He said the grant was 90% Federal, 5% State, and 5% City and the total budget for the project would be $30,932. He said the application was for a one year grant with the assumption that the City would assume the project cost as of July 1, 1977.

Chief Hall responded to certain questions about the day-to-day activities of the legal advisor.

Upon motion of Councilman Morris, seconded by Councilman Horton, Resolution No. 74-78 was unanimously adopted.

Complete text of Resolution No. 74-78 will be found in Resolution Book No. 7 at page 260.

RESOLUTION NO. 74-79 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE A CONTRACT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR AIRPORT CONSTRUCTION FUNDS

11. Consideration was given to a resolution authorizing the Mayor to execute a contract with the North Carolina Department of Transportation for airport construction funds.

The City Manager read the resolution and explained that the funds in the amount of $100,000 mentioned in the resolution had been previously approved and are to be used on the contracts for strengthening of the taxiways and apron that is now being done at the airport and that this was a formal contract between the City and the North Carolina Department of Transportation for airport construction funds.

Councilman Ochsenreiter moved that the Mayor of the City of Asheville be authorized to submit and execute, on behalf of the City of Asheville, an application for a grant in the amount of $100,000, and to sign any contracts required by the State in connection with the grant. This motion was seconded by Councilman Colton and carried unanimously.

Complete text of Resolution No. 74-79 will be found in Resolution Book No. 7 at page 262.

PRESENTATION OF THE 1974-75 BUDGET

12. The City Manager read a prepared budget letter in submitting the 1974-75 budget to members of Council.

The City Manager paid tribute to Larry Fisher, Director of Finance, and his staff for the excellent job in putting the budget together.

Thursday - June 6, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., J. W. Hoyle, Ralph D. Morris, Jr., Bill B. Horton, Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of the May 30, 1974 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, the minutes of the May 30, 1974 meeting were approved as submitted.

PUBLIC HEARING - 1974-75 BUDGET

2. A public hearing was held on the 1974-75 Budget.

Mayor Wood opened the public hearing at 3:07 o'clock p. m. and called on the City Manager to read the notice to the public and the affidavit of publication.

Mayor Wood explained that the purpose of the public hearing was to discuss any phase of the 1974-75 budget as presented by the City Manager. He called for comments from both the public and other members of Council and not receiving any he asked the City Manager if he had anything further to present. Mr. Ward advised that he had been asked to read a resolution passed by the Model Cities Commission requesting the City and County to provide support-funding for the Consolidated Health Program, the City's share to be $40,932.

There being no further comment, Mayor Wood closed the public hearing at 3:13 o'clock p. m.

ORDINANCE NO. 805 - ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1974 AND ENDING JUNE 30, 1975.

3. Consideration was given to the second reading of Ordinance No. 805, an ordinance levying, assessing, imposing, and defining the license and privilege taxes of the City of Asheville for the fiscal year beginning July 1, 1974 and ending June 30, 1975.

Mayor Wood noted that at the request of Councilman Horton the second reading of this ordinance, scheduled for last week's meeting, was postponed and was now being presented for the second reading.

Councilman Horton said that he had received several inquires regarding this ordinance and he had asked for the postponement to give him time to investigate it. He said his investigation had pinpointed the problem but not the solution. He said he felt that the ordinance was unwieldy but that it would take legislative action to correct it. He said he would like to see a comprehensive study made on the ordinance sometime around the first of the year.

On a roll call vote of 6-0, Ordinance No. 805 passed on the second reading.

REQUEST TO SPEED UP DEMOLITION PROCESS IN THE TEXAS, FAYETTEVILLE, SARATOGA STREET AREA

Vice-Mayor Marshall requested that the City speed up the demolition and cleaning up process in the Texas, Fayetteville, Saratoga Street area. He said the houses in this area were very dilapidated and needed to be cleaned up.

Mr. Johnson, Building Inspector, advised that demolition proceedings had been started in this area, however following the legal process necessary slowed up the demolition.

ASHEVILLE CIVIC CENTER - REPORT FROM THE MAYOR

Mayor Wood reported that after lengthy meetings concerning the opening date of the new Asheville Civic Center, it had been concluded that the City would aim for an opening date of June 22. He said the building would not be complete by this time, but that it was anticipated that all safety regulations would be complied with.

Adjournment.

Richard D. Wood, Jr.
MAYOR

Thelma S. Holcomb
CITY CLERK

BID SUMMARY

CITY OF ASHEVILLE, NC
WATER QUALITY FACILITIES - PHASE I
SUMMARY BID TABULATION

BIDDER	AMOUNT		Irregularities (See Index Below)
CONTRACT 1.0 - GENERAL			
Lee Construction Company Charlotte	BASE ALTERNATE	$1,933,362 $1,129,112	1,3
Gilbert Engineering Company, Inc. Statesville	BASE ALTERNATE	$2,017,474 $1,357,033	3
Hobson Construction Company Arden	BASE ALTERNATE	$2,208,003 $1,470,888	3,4
CONTRACT 1.1 - ELECTRICAL			
Bryant Electric Corporation Brevard		$ 39,870	None
Electrical Constructors of America, Inc. Skyland		$ 40,000	1
Hayes & Lunsford Electric Company Asheville		$ 49,800	1,2
CONTRACT 1.2 - HEATING & VENTILATING			
Ball Heating & Air Conditioning Company, Inc. West Asheville		$ 15,874	1,2,3
Rogers Plumbing & Heating Company, Inc. Asheville		$ 21,235	1,2
20th Century Heating Company, Inc. Asheville		$ 21,267	None
Moser, Inc. Asheville		$ 23,330	1
W. H. Arthur Company Asheville		$ 25,430	1
CONTRACT 1.3 - PLUMBING			
Rogers Plumbing & Heating Company, Inc. Asheville		$ 19,640	1,2
Moser, Inc. Asheville		$ 23,500	1
Price Piping Company, Inc. Asheville		$ 25,990	1,2

INDEX TO BID IRREGULARITIES:

1. Incomplete Bid Entry, i.e., failure to sign all sheets, enter amounts in "words", or similar items.
2. Incomplete Designation of Authority, i.e., failure to imprint Corporate Seal, submit Corporate Resolution of Authorization, etc.
3. Lack of completed Consent of Surety conveying Bonding Authority's Guarantee to issue Bonds if Bidder is offered Contract.
4. Qualified Bid indicating it was subject to escalation after 30 days.

Bids received 2:00 pm, EDT, Wednesday, May 22, 1974 for Contract 1.1, 1.2, and 1.3; and Tuesday, June 4, 1974 for Contract 1.0.

ORDINANCE NO. 807 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (16 Long Street)

4. Consideration was given to the second reading of Ordinance No. 807, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (16 Long Street)

Before proceeding with the second reading of Ordinance No. 807, Mayor Wood explained that the ordinance under consideration would rezone two lots in the vicinity of Long Street. He said that the staff of the Planning and Zoning Commission in making their investigation on these two lots also investigated the possiblity of rezoning a larger area in this vicinity and recommended to the Commission that the larger area also be rezoned. The Commission however, did not approve the staff's recommendation and therefore it would not be considered by Council at this time.

On a roll call vote of 6-0, Ordinance No. 807 passed on the second reading.

ORDINANCE NO. 808 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Vermont Avenue)

5. Consideration was given to the second reading of Ordinance No. 808, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Vermont Avenue)

Mayor Wood explained that the ordinance under consideration would rezone a lot on Vermont Avenue from RA-6 Residential to Business and that the Wachovia Bank planned the expansion of their facilities on this lot.

On a roll call vote of 6-0, Ordinance No. 808 passed on the second reading.

BIDS - PHASE 1 - WATER QUALITY FACILITIES

Consideration was given to bids received on May 22 and June 4 for the four contracts involved in the initial phase of the Water Quality Facilities.

The City Manager read a letter from O'Brien and Gere, Inc./Engineers, consultants for the project, which summarized the bidding and recommended to Council that the low bids be accepted for all contracts. The Engineers further recommended that the alternate bid on floating covers for the reservoir be accepted in lieu of the rigid steel frame covers, stating that the current steel prices no longer made the use of the steel covers economically practical.

Mr. Charles Willis, representing O'Brien & Gere, fielded questions from Council as to the composition, durability and maintenance of the floating reservoir covers.

In answer to Councilman Horton's question, Mr. Willis stated that the bids were approximately 8% above the initial estimate.

Mr. William Edens, Director of the Water Department, commenting on the bids, said that he thought they were fair and that the City would get a good job with a resulting good product.

Councilman Ochsenreiter moved to accept the low bid as recommended by the consultants and that the Mayor be authorized to execute the contracts. This motion was seconded by Councilman Morris and carried unanimously.

Thursday - June 13, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel Robert J. Robinson, substituting for William C. Moore, Assistant City Manager/ City Clerk William F. Wolcott, Jr.

Absent: Councilmen Eugene C. Ochsenreiter and Bill B. Horton, Corporation Counsel William C. Moore, and City Manager Ernest J. Ward, Jr.

1. Approval of minutes of the June 6, 1974 meeting.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, the minutes of the June 6, 1974 meeting were approved as submitted.

ORDINANCE NO. 805 - ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1974 AND ENDING JUNE 30, 1975.

2. Consideration was given to the third and final reading of Ordinance No. 805, an ordinance levying, assessing, imposing, and defining the license and privilege taxes of the City of Asheville for the fiscal year beginning July 1, 1974 and ending June 30, 1975.

Mayor Wood advised that members of Council had previously been furnished copies of the ordinance and that it would not be re-read in its entirety unless there was a specific request to do so.

The Assistant City Manager informed Council that there were two sections in the ordinance relative to carnivals and circuses stating that the applicant for the license is required to put up a cash deposit of Fifty Dollars ($50) for each carnival or circus to defray expenses of the Sanitary Department for cleaning up the lot after its use. He said he had been informed by the Superintendent of Sanitation that the last carnival held in the City cost the City over $80 to clean up the lot and it had been requested that Council amend the ordinance to increase the cash deposit to cover these expenses.

Councilman Morris moved to amend Section 15 "License Schedule" of Ordinance No. 495 so that licenses relating to carnival companies and circuses as appearing on pages 308 through 310 of Ordinance Book No. 4 of the Ordinances of the City of Asheville be amended to read as follows: in the last paragraph of the subheading "Carnival Companies":

> "A cash deposit of Two Hundred Fifty (250) Dollars will be required for each carnival before "setting up" on lot, to defray the expenses of the Sanitary Department for cleaning up the lot used. The actual cost of cleaning will be charged and a refund will be made in the event of any surplus." and

in the last paragraph of the subheading "Circuses" as follows:

> "Provided further, that a cash deposit of Two Hundred Fifty (250) Dollars will be required from each circus or exhibition before "setting up" on lot, to defray the expenses of the Sanitary Department for cleaning up lot used. The actual cost of such cleaning will be charged and refund will be made in the event of any surplus. A deposit to cover cost of water used from the city supply will be required in accordance with the size of the circus."

PROCLAMATION - FAMILY UNITY WEEK

Mayor Wood proclaimed the week of June 9 through June 15 as Family Unity Week.

Adjournment.

Richard D. Wood, Jr.
MAYOR

William F. Malcolm
CITY CLERK

The Corporation Counsel read the ordinance.

Mr. Peter Mallett, 5 Boxwood Lane, spoke in opposition to the proposed 13.8 per cent tax increase. He said that the vacant buildings in the downtown area and the constant migration to the suburbs by residents indicates that a tax increase would be impractical. He argued that retired people and others on fixed incomes are already fighting an annual inflation rate of some 15 per cent and could not afford a tax increase. He said he felt that the Council could cut out some unnecessary expenses.

Mr. E. R. McCarthy also opposed the proposed 13.8 per cent tax increase.

Councilman Morris pointed out that tax increases over the years since the 1970-71 budget averaged only 2.15 per cent per year and presented a compilation of the rates for prior years and he felt that was a good record.

Councilman Colton noted that even if the budget passed on the first reading at this meeting Council members were still studying the budget and trying to trim it as much as possible.

Councilman-Morris moved for the adoption of the budget ordinance which was seconded by Vice-Mayor Marshall.

On a roll call vote of 4-0, Ordinance No. 809 passed on its first reading.

BIDS - PIPE AND FITTINGS FOR WATER MAINS

6. Consideration was given to bids received June 10, 1974 for pipe and fittings for water mains.

The Assistant City Manager read memorandums from the Purchasing Agent and the Director of Water and Sewer Services which recommended, for the water main pipe, the low base bid in the amount of $57,038 by Davis Meter and Supply Company, be accepted for both six and eight inch cast iron pipe. It was also recommended that only the eight inch PVC pipe specified under Alternate I be purchased. It was noted that the two low bidders for this material were Davis Meter and Supply Company at $3.46 per foot and Southern Meter and Supply Company at $3.33 per foot. It was recommended that the second low bid of Davis Meter and Supply Company in the amount of $3.46 per foot be accepted due to the extended delivery time for the pipe from Southern Meter and Supply Company being estimated at ten to fourteen weeks and also an escalation clause contained in the bid that, "All Prices are Subject to Prices in Effect at Time of Delivery or Shipment" thereby invalidating the $3.33 per foot bid price as being non-responsive and should not be considered. However, Davis Meter and Supply Company offered a ten day delivery at a firm price.

The requistioner also recommended for all cast iron and ductile iron pipe fittings, the low base bid unit prices and low Alternate bid unit prices submitted by Davis Meter and Supply Company be accepted, with the quanitities for each fitting to be determined by the Water and Sewer Department and the totals not to exceed the low base bid in the amount of $1,832.00 and the low alternate bid in the amount of $1,272.01.

This motion was seconded by Vice-Mayor Marshall and on a roll call vote of 4 - 0, the amendment to the ordinance carried.

Mayor Wood then called for a roll call vote for the third and final reading of Ordinance No. 805, as amended.

On a roll call vote of 4 - 0, Ordinance No. 805 passed on its third and final reading.

Complete text of Ordinance No. 805 will be found in Ordinance Book No. 6 at page 72.

ORDINANCE NO. 807 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Long Street)

3. Consideration was given to the third and final reading of Ordinance No. 807, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended rezoning Ward 9, Sheet 7, Lots 27-1/4, and 28-1/4 from RA-6 Residential District to Neighborhood Trading Area.

Mayor Wood advised that members of Council had previously been furnished copies of the ordinance and that it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 807 passed on the third and final reading.

Complete text of Ordinance No. 807 will be found in Ordinance Book No. 6 at page 77.

ORDINANCE NO. 808 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Vermont Avenue)

4. Consideration was given to the third and final reading of Ordinance No. 808, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended rezoning Lot 200, Sheet 12, Ward 5, from RA-6 Residential District to Business.

Mayor Wood advised that members of Council had previously been furnished copies of the ordinance and that it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 808 passed on the third and final reading.

Complete text of Ordinance No. 808 will be found in Ordinance Book No. 6 at page 78.

ORDINANCE NO. 809 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1974-75

5. Consideration was given to an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the fiscal year 1974-75.

B. Water Main Pipe Fittings

1. BASE BID — Cast Iron ftgs. per spec. w/MJ ends per spec.

		Bidder: Johns-Manville	Lynchburg		Carolina Pump & Supply Pump & Lighting
2	8" x 6" AB Reducer		67.48	134.96	
8	8" x 6" Tees		116.32	930.56	
12	6" x 6" Tees		87.15	1,045.84	
1	6" AB 45° Bend	NO BID	53.66	53.66	NO BID
2	8" Plug Tapped 2"		35.15	70.30	
11	6" Plug Tapped 2"		24.69	271.59	
	Total Base Bid:			2,506.87	

		U. S. Pipe	Southern Meter	Davis Meter
2	8" x 6" AB Reducer	59.82	50.75	48.04
8	8" x 6" Tees	104.04	88.86	87.42
12	6" x 6" Tees	78.53	65.15	65.21
1	6" AB 45° Bend	48.42	39.85	38.48
2	8" Plug Tapped 2"	31.90	21.83	22.10
11	6" Plug Tapped 2"	25.03	14.88	15.58
	Total Base Bid:	2,281.87	1,841.37	1,832.02 XX

2. ALTERNATE BID: Ductile Iron Pipe Ftgs.,etc. per specs.

		Johns-Manville	Lynchburg	Carolina Pump & Supply Pump & Lighting	
2	8" x 6" AB Reducer			59.02	
4	8" x 6" Tees	NO BID	NO BID	97.94	
7	6" x 6" AB Tees			59.18	
1	6" AB 45° Bend			38.76	
2	8" Restrained Plug			22.37	
11	6" Restrained Plug			15.63	
5	6" x 6" Tees			73.20	
4	8" x 6" Tees			87.35	
	Total Alternate Bid:				1,894.89

		U. S. Pipe	Southern Meter	Davis Meter	
2	8" x 6" AB Reducer		41.59	38.46	
4	8" x 6" Tees		68.98	64.48	
7	6" x 6" AB Tees		42.28	38.98	
1	6" AB 45° Bend	NO BID	27.65	25.50	
2	8" Restrained Plug		No Bid	17.39	
11	6" Restrained Plug		No Bid	12.91	
5	6" x 6" Tees		48.13	47.74	
6	8" x 6" Tees		61.96	55.83	
	Total Alternate Bid:				1,272.01 XX

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the contracts to Davis Meter and Supply Company for the low base bid in the amount of $57,038; Alternate I for the 8" PVC pipe in the amount of $3.46 per foot, and all cast iron and ductile iron pipe fittings in the amount of $1,832.02 together with the alternate bid in the amount of $1,272.01. This motion was seconded by Councilman Hoyle and unanimously adopted.

Bid Summary

Bid Request No. 212 - "Pipe and Fittings for Water Mains" - Water and Sewer Department

Bidder	Bid Item A. Water Main Pipe							
	Base Bid 6400 lf 8" cast iron pipe per spec. 6300 lf 6" cast iron pipe per spec.		Alternate I 6400 lf. 8"PVC per spec. 6300 lf. 6"PVC per spec.		Alternate II 6400 lf 8" PVC per spec. 6300 lf 6" PVC per spec.		Alternate III 6400 lf. 8"PVC per spec. 6300 lf. 6" PVC per spec.	
	Unit	Total	Unit	Total	Unit	Total	Unit	Total
Johns-Manville	No Bid		3.86 2.28	24,704 14,364 39,068	4.79 3.23	30,656 20,349 51,005	5.83 3.80	37,312 23,940 61,252
Lynchburg Foundries	5.35 3.76	34,240 23,688 57,928	No Bid		No Bid		No Bid	
Carolina Pump & Supply	No Bid		3.33 2.02	21,312 12,726 34,038	No Bid		No Bid	
U. S. Pipe & Found.	5.40 3.77	34,560 23,751 58,311	No Bid		No Bid		No Bid	
Southern Meter Supply Co.	No Bid		3.33 2.02	21,312 12,726 34,038	No Bid		No Bid	
Davis Meter Supply Co.	5.27 3.70	33,728 23,310 57,038 XX	3.46 1.95	22,144 12,285 34,429 XX	No Bid		No Bid	

PETITION - CLOSING OF PORTION OF HAWKINS LANE

The Assistant City Manager presented a petition from the Trustees of the Temple Baptist Church requesting that an abandoned portion of Hawkins Lane be permanently closed. He advised Council that if they wished to consider the closing of this portion of Hawkins Lane it would be necessary to pass a resolution setting a public hearing on the question and that if it was Council's wish he was prepared to present the resolution at this time. On instructions from Mayor Wood he proceeded with the presentation of the following resolution.

RESOLUTION 74-82 - RESOLUTION OF INTENT TO CLOSE AN ABANDONED PORTION OF HAWKINS LANE AND CALLING A PUBLIC HEARING ON THE QUESTION

Vice-Mayor Marshall moved for the adoption of the resolution setting the date of the public hearing for July 25, 1974. This motion was seconded by Councilman Hoyle and carried unanimously.

Complete text of Resolution No. 74-82 will be found in Resolution Book No. 7 at page 265.

REZONING PETITION - 12 LONG STREET - FRED PEARLMAN

The Assistant City Manager presented a rezoning petition from Fred Pearlman to rezone Lot 27 and 28, Sheet 7, Ward 9 from RA-6 Residential to Neighborhood Trading Area.

In the absence of any objections from members of Council, Mayor Wood instructed the City Clerk to refer the petition to the Planning and Zoning Commission for study and recommendation.

PROCLAMATION - CITIZEN PARTICIPATION MONTH

Mayor Wood proclaimed the month of June as Citizen Participation Month.

COMPLAINTS - SOUTH GROVE STREET - MRS. JAMES SMITH

Mrs. James Smith voiced complaints to Council relative to the brush in the alley behind 128 South Grove Street and the dangerous condition of the sidewalks in this area.

Mayor Wood informed Mrs. Smith that extensive repairs were anticipated in this area under the Urban Renewal Program.

Adjournment.

Richard A. Wood Jr.
MAYOR

William D. Mercer
CITY CLERK

BIDS - PRINTING OF MODEL CITIES AGENCY BROCHURE

7. Consideration was given to bids received June 5, 1974 for the printing of the Model Cities Agency Brochure.

The Assistant City Manager read memorandums from the Purchasing Agent and Executive Director of the Model Cities Agency which stated that Gilbert Printing Company submitted the low base bid in the amount of $5,522.25 for 500 copies, and low alternate bid in the amount of $5,816.00 for 1,000 copies. The low alternate bid being the most economical buy, representing a unit price of $5.82 per copy, compared to $11.04 per copy in the low base bid, it was recommended that the low alternate bid be accepted. The funding will be 100% Third Action Year Supplemental Funds from Citizen Participation Project Budget.

Mr. Delany, Executive Director of the Model Cities Agency, described the brochure for members of Council stating that it is a pictoral review of the Model Cities Program which describes all the activities, expenditures, and services of the Model of the Model Cities Agency. He said this was a way to inform the public of the Model Cities Program and to show them how the money was spent. He said HUD had strongly suggested that this brochure be published.

Councilman Colton moved to accept the recommendation and award the contract to Gilbert Printing Company for the low alternate bid in the amount of $5,816.00 for 1,000 copies. This motion was seconded by Councilman Morris and carried unanimously.

Bid Summary

Bid Request #211 - Printing Model Cities Agency Brochure

Bidder	Base Bid (500 copies)	Alternate (1,000 copies)
Gilbert Printing Company	$5,522.25	$5,816.00
Groves Printing Company	5,752.20	6,103.95
Daniels Graphics	8,650.00	9,360.00

RESOLUTION NO. 74-81 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO ENTER INTO A CONTRACT WITH GILBERT PRINTING COMPANY FOR PRINTING OF THE MODEL CITIES AGENCY BROCHURE, UNDER THE COMPREHENSIVE CITY DEMONSTRATION PROGRAM

8. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to enter into a contract with Gilbert Printing Company for Printing of the Model Cities Agency Brochure, under the Comprehensive City Demonstration Program.

The Assistant City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 74-81 was unanimously adopted.

Complete text of Resolution No. 74-81 will be found in Resolution Book No. 7 at page 264.

PUBLIC HEARING - FINANCIAL ASSISTANCE FOR PURCHASE OF REPLACEMENT BUSES AND EQUIPMENT

RESOLUTION NO. 74-83 - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

3. A public hearing was held for the purpose of considering a project for which financial assistance is being sought from the Urban Mass Transportation Administration, pursuant to the Urban Mass Transportation Act of 1964, as amended.

Mr. Michalove, Assistant City Manager, explained to Council that this was a good opportunity for the City of Asheville to purchase capital replacement buses and equipment with the project being funded at a rate of 80% Federal share and 20% local share of the cost. He said this project would allow the City to purchase eight (8) new 33 passenger buses, a bus washer plus other capital equipment needed by the Asheville Transit Authority. He said the local contribution would be $82,128 which would be budgeted in Fiscal Year 74-75 and 75-76 general fund - debt service account.

Mr. Lyle Hackett, Resident Manager of the Asheville Transit Authority, advised Council that buses have to be replaced about every eight (8) years due to the terrain in this area being hard on the buses. He said that in 1969 thirty-five (35) new buses were purchased and this financial assistance would allow the city to purchase eight (8) additional buses thereby being able to give better and extended services when the need arises. He also noted that delivery time on the new buses would be about a year.

Councilman Ochsenreiter returned to the meeting at 3:17 o'clock p. m.

Mayor Wood pointed out that the City Manager had proposed an allocation of $65,000 in the 1974-75 budget toward the $82,128 local share. However, during budget sessions held this past week, it had been suggested that this amount be reduced to $35,000 for this fiscal year, leaving a balance of $52,000 to be allocated in future budgets.

Upon questioning by Councilman Morris, Mr. Hackett told Council that the purchase of the new bus washer would have an effect of reducing the manpower needed to wash the buses.

Mayor Wood closed the public hearing at 3:26 o'clock p. m.

The City Manager read the proposed resolution.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 74-83 was unanimously adopted.

Complete text of Resolution No. 74-83 will be found in Resolution Book No. 7 at page 267.

Thursday - June 20, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr.

Absent: Assistant City Manager/City Clerk William F. Wolcott, Jr.

1. Approval of minutes of the June 13, 1974 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle the minutes of the June 13, 1973 meeting were approved as submitted.

PUBLIC HEARING - USE OF BITUMINIZED FIBER SEWER PIPE WITHIN THE CITY

ORDINANCE NO. 810 - AN ORDINANCE PERMITTING AND REGULATING THE USE OF BITUMINIZED FIBER SEWER PIPE WITHIN THE CITY OF ASHEVILLE

2. A public hearing was held to consider the adoption of an ordinance relating to the use of bituminized fiber sewer pipe within the City of Asheville.

Mayor Wood opened the public hearing at 3:03 o'clock p. m.

The City Manager read the affidavit of publication setting the time and date for the public hearing.

Mr. Johnson, Building Inspector, advised Council that this ordinance was necessary to comply with HUD requirements for recertification for the Workable Program. He said the North Carolina State Building Code Council passed a ruling that the City of Asheville could pass an ordinance to allow the bituminized fiber sewer pipe in the City with certain regulations for its use. He said if this was put in the North Carolina State Building Code, the ordinance would then be voided. He also informed Council that the Building Code Council did not approve of the use of the pipe for the state. He noted that installations of the pipe must meet the current standards of model plumbing codes, such as the current Southern Standard Plumbing Code. He also noted that he did not think anyone would be using it due to the high cost and the restrictions placed on its use.

Mayor Wood closed the public hearing at 3:10 o'clock p. m.

Mayor Wood excused Councilman Ochsenreiter from the meeting at 3:10 o'clock p. m.

The City Manager read the prepared ordinance which would permit and regulate the use of the bituminized fiber sewer pipe within the City.

Councilman Morris moved for the adoption of the ordinance. This motion was seconded by Councilman Colton.

On a roll call vote of 3-2, Ordinance No. 810 passed on its first reading with Councilman Hoyle and Vice-Mayor Marshall voting "no". Councilman Ochsenreiter was absent from the meeting when the vote was taken.

Councilman Morris moved to proceed with the second reading on the budget ordinance as passed on the first reading with an intent that on the third reading at next week's meeting provisions in the budget would be made so that there would not be a tax rate in excess of 93¢. This motion was seconded by Councilman Ochsenreiter.

Councilman Horton stated that he thought the motion was unwieldy and it was his opinion that the motion was not parliamentary.

On a roll call vote of 5-1, Ordinance No. 809 passed on its second reading, with Councilman Horton voting "no".

RECOMMENDATION FROM MODEL CITIES COMMISSION CONCERNING REPROGRAMMING OF FUNDS

5. Consideration was given to a recommendation from the Model Cities Commission concerning reprogramming of funds.

Mayor Wood explained that the recommendations were the result of a Model Cities Commission meeting in partial response to his letter to the Commission suggesting the allocation of additional Model Cities funds. In addition to concurring with his recommendations, the Commission recommended the use of approximately $100,000 of Third Action Year Surplus funds. The recommendations were as follows:

Program	Commission Recommendation on $270,600 Budget	Commission Recommendation for Allocation of $100,000 Surplus Funds
Senior Opportunity Center	$72,366	$11,038
Meals on Wheels	15,000	-0-
Program Administration	74,941	12,438
Livingston Street Neighborhood Facility	33,274	-0-
Mass Transit	50,000	-0-
Montford Center	25,019	-0-
Career Opportunity		$58,264
Employment Service		16,317
Unprogrammed		1,943
	$270,600	$ 100,000

Brief reviews of the Commissions recommendations for allocations of the $100,000 are as follows:

Senior Opportunity Center - (a) Reinstatement of Service Coordinator for 12 months $8,736
Continuation of Service Coordinator, contingent upon Mr. Miller being employed by Title III Aging Program.
(b) Salary increase 5%, 7 staff members 2,302
$11,038

ORDINANCE NO. 809 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1974-75

4. Consideration was given to the second reading of Ordinance No. 809, an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the fiscal year 1974-75.

Mayor Wood commented that the budget as submitted and read on the first reading at last weeks meeting was based on a proposed tax rate of 99¢ of which 20¢ was in debt service and 79¢ in general fund. He noted that during work sessions held by Council this past week, Council has requested several changes for formal consideration at this time. He said at this point there were two alternatives of which both reflected at 93¢ tax rate. He noted that the equivalent tax rate compared with this years tax rate is 87¢ and this would constitute a 6.90 per cent increase with the proposed 93¢ tax rate. He also pointed out that in the 1973-74 budget the tax rate was reduced 4.67 per cent, which showed a 2.23 per cent net increase in tax rates over a three year period. He said various recommendations had been made as to how to accomplish the 93¢ tax rate, such as decreases in expenditures in personnel reductions for the cemetary and recreation divisions, reduction in Non-Departmental expenditures and a reduction of contingencies.

He said the two alternatives were related primarily to the improvements to the Asheville Airport by eliminating the expansion program which is funded at a rate of 75% FAA, 5% Appalachia, 10% State and 10% local or by continuing the airport improvements and reducing the debt service to 17¢ in lieu of 20¢ by stretching refunding obligations to cover the next two years and increase the general fund from 73¢ to 76¢ to include the cost of the airport improvements.

Mrs. Elma Willis of Westwood Road, voiced concern and opposition to any tax increase.

Mr. Harmon Lee, President of Carolina Fuel and downtown property owner commended Council for reducing the proposed 13.8 per cent increase to 6.90 per cent.

Mrs. Elmore Seamore, 97 Delaware Road; Mr. Peter Mallett, President of Asheville Highland Distributors, and Mr. Bill Scroggs of White Pine Drive and speaking on behalf of the Asheville Board of Realtors, all commended Council for reducing the proposed increase but urged them to hold taxes at the present level.

Mayor Wood pointed out that the airport had been operating at a deficit for a number of years but now the operating revenues exceeded the operating expenses which is, of course, exclusive of capital improvements.

Councilman Morris stated that it was his opinion that to leave out appropriations for airport improvements, with 90% outside support, would be a grave mistake for the City of Asheville.

Councilman Hoyle stated that he opposed increasing taxes for airport improvements.

Councilmen Colton and Ochsenreiter supported allocating funds for the airport improvements.

Career Opportunity Program
(Teacher Aide Project)

Mr. James Clarke, Associate Superintendent of the Asheville City Schools, commented on the Teacher Aide Project recommendation stating that this would enable 14 teacher aides to complete their college education for a teaching degree. He said that the Model Cities funds would be used to pay stipends for work the teachers perform at the schools while another federal grant pays for the college tuition and other expenses of the general program and enrollees.

Senior Opportunity Center

Mayor Wood asked about the Service Coordinator's job with the Senior Opportunity Center, Mr. Michalove, Assistant City Manager, commented that the Buncombe County Council on Aging had been working with Region B to develop a program for the elderly using Title III funds of the Aging Act. They have developed a proposed budget of $58,975 to hire a services director that would work county wide, a secretary and three Community Resources Aides. He said it was his understanding that two of the aides would be working at the Senior Opportunity Center to provide social services. This program was to begin July 1, 1974. He said the Model Cities Commission had recommended that the Service Coordinator be reinstated for 12 months if Mr. Miller did not get a position with the Title III program, doing the same type of work that he is presently doing at the Senior Opportunity Center.

Salary Increases

Mayor Wood commented on the recommendations for a 5% salary increase for the staff in the Senior Opportunity Center, Program Administration, and the Employment Service System Programs, stating that the present salaries were at a higher rate than comparable positions in the City. He also commented that it was his understanding that the personnel holding the positions of CP Director and Secretary I in Program Administration are now being considered for other positions within the City Personnel System.

Employment Service System

Mayor Wood pointed out that it was his opinion that the County Commissioners had accepted the request and suggestion to establish an Employment Services Program under the sponsorship of the Asheville Buncombe Community Relations Council.

Mr. Michalove, Assistant City Manager, informed Council that this program was scheduled to begin July 1, 1974. He said the County Manpower Commission had anticipated the phasing out of the Model Cities Employment Services System Project and the plan would provide a full time staff person at the Livingston Street Neighborhood Facility.

Councilman Morris suggested that part of these recommendations be carried over until next week's meeting allowing time for more suggestions and recommendations to be obtained concerning certain programs. He then moved that the City Council indicate approval of the recommendations for the allocations to the Senior Opportunity Center, Meals On Wheels, Program Administration, Livingston Street Neighborhood Facility, and Mass Transit at the funding levels proposed by the Mayor and concurred by the Model Cities Commission

Program Administration -	(a) Extend positions of CP Director, Secretary I, and Receptionist and continue payment at present rate of 3 Commissioners from: 6/30/74 to 9/30/74	$9,555
	(b) Salary increase 5% - 9 staff members; 3 for 3 months, 3 for 6 months, 3 for 1 year.	2,883
		$12,348
Career Opportunity Program - (Teacher Aide Project)	(a) Fund this program one year to June 30, 1975 to enable 14 teacher aides to complete college	$58,264
Employment Service System	(a) Extend project for 3 months to September 30, 1974, original termination date	$15,535
	(b) Salary increase 5% - 6 staff members	782
		$16,317
	(c) Commission recommended that Employment Service System employees be given Civil Service Status, same as Program Administration employees	
Unprogrammed		$ 1,943

The Commission also recommended that the following programs be continued until the projects are completed or existing allocation of funds are depleted: Demolition, Livingston Street Neighborhood Facility, Riverside Park and Relocation Program.

Consolidated Health Program

It was also recommended that the Consolidated Health Program funded in the amount of $9,000 and the Consolidated Health Project for the Blind funded in the amount of $1,900 be continued until August 31, 1974 at which time they anticipate funding from another source. In addition to the above recommendation, Mr. Delany, Executive Director of the Model Cities Agency, explained that Mr. Bill Jones, Director of the Consolidated Health Program had indicated that he needed matching funds in the amount of approximately $65,000 in order to receive a grant from the Appalachia Regional Commission to carry the project for another year. He said the Model Cities Commission, when making their recommendaitons, was not aware of this request. Mr. Delany suggested that the matching funds could be given the project by changing some of the above recommended funding such as using the unprogrammed allocation of $1,943, using the Montford Center allocation of $25,019, and some additional $10,000 surplus funds in addition to the $100,000 for various programs. He said that additional money is anticipated to complete the Montford Center through the Community Development Block Grant if these funds become available.

Bill Jones, Director of the Consolidated Health Program advised Council that an application had been made to the Appalachia Regional Commission (ARC) for assistance and it was expected that residents outside the Model Cities area would be served if this grant is approved. He also indicated that additional information requested by ARC was due by July 1, 1974 and a reply as to whether the application would be funded would be expected before July 20, 1974. He said the estimated local share would be $65,462 which would carry the program for one year.

On a roll call vote of 6-1, Ordinance No. 811 passed on its second reading.

Councilman Ochsenzeiter again moved to dispense with the rules and proceed to the third and final reading of the ordinance. This motion was seconded by Councilman Colton and carried unanimously.

On a roll call vote of 6-1, Ordinance No. 811 passed on its third and final reading.

Complete text of Ordinance No. 811 will be found in Ordinance Book No. 6 at page 86.

RESOLUTION NO. 74-84 - RESOLUTION APPOINTING TOM D. BUDD AS CHAIRMAN OF ASHEVILLE-BUNCOMBE DRUG AND ALCOHOL ABUSE ADVISORY COMMISSION.

8. Consideration was given to a resolution appointing Tom D. Budd as Chairman of Asheville-Buncombe Drug and Alcohol Abuse Advisory Commission.

The City Manager read the resolution.

Upon motion of Councilman Horton, seconded by Councilman Hoyle, Resolution No. 74-84 was unanimously adopted.

Complete text of Resolution No. 74-84 will be found in Resolution Book No. 7 at page 268.

PROCLAMATION - AUTISTIC CHILDREN'S WEEK - JUNE 23-29

Mayor Wood proclaimed the week of June 23 - 29 as Autistic Childrens Week.

Adjournment.

MAYOR

CITY CLERK

He further moved that approval be given for the continuation of the Services Coordinator for the Senior Opportunity Center for thirty (30) days; continuation of the existing Program Administration positions for thirty (30) days and continuation of the Employment Service Systems positions for thirty (30) days. Provided further that no action be taken at this time on the allocations for the Montford Center, Career Opportunity Program, continuation of the Employment Service System Project for three (3) months, salary increases, or the request for additional funds to the Consolidated Health Program. He also moved that the recommendations, be approved, that the Consolidated Health Project, Consolidated Health Project for the Blind, Demolition, Livingston Street Neighborhood Facility, Riverside Park and Relocation be continued until the projects are completed or existing allocation of funds are depleted. This motion was seconded by Councilman Colton and carried unanimously.

INDEMNITY AGREEMENTS - ASHEVILLE CIVIC CENTER

6. The City Manager presented Indemnity Agreements with contractors that are constructing the Asheville Civic Center that requires the approval of Council authorizing the Mayor to sign the agreements. He said these agreements would hold the contractors harmless in the event that any accidents occur during events held in the Civic Center prior to completion of the Center. He said the City is carrying insurance during the period that the City would be holding the contractors harmless.

Councilman Hoyle moved to authorize the Mayor to execute the Indemnity Agreements with contractors that are constructing the Civic Center during events held in the Civic Center prior to completion date. This motion was seconded by Councilman Horton and carried unanimously.

ORDINANCE NO. 811 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE APPROPRIATING CONTINGENCY FUNDS

7. Consideration was given to an ordinance amending the operating budget of the City of Asheville appropriating Contingency funds.

The City Manager read the ordinance.

Mayor Wood explained that this ordinance would authorize the payment of the assessment established by the Region B Commission for its support by its member governments during the Fiscal Year 73-74 which the City Council has not acquiesced heretofore in that it was imposed contrary to the by-laws of the Commission. He said due to Region B being in such dire financial need he recommended approval of the ordinance.

Councilman Colton moved for the adoption of the ordinance, which was seconded by Councilman Ochsenreiter.

Councilman Morris asked for an amendment to the motion, to inform the Region B Commission that Council passed the ordinance under protest due to this being in violation of the Region B Commission By-Laws and that it was passed only in the spirit of cooperation and due to the dire financial need of the Region B Commission. Councilman Colton accepted Councilman Morris's amendment to the motion, which carried unanimously.

On a roll call vote of 6-1, Ordinance No. 811 passed on its first reading.

Councilman Ochsenreiter moved to dispense with the rules and proceed to the second reading of the ordinance. This motion was seconded by Councilman Colton and carried unanimously.

Based on information gathered since the June 20th meeting and considering the tentative approval given certain programs by the Council Mayor Wood had a resolution prepared making the following recommendations to Council:

Program	Total Funding
Senior Opportunity Center This included the continuation of the Services Coordinator position for one month.	$ 73,094
Meals on Wheels	15,000
Program Administration This included the continuation of those positions scheduled to end June 30 until July 31, 1974.	78,465
Livingston Street Neighborhood Facility	33,274
Mass Transit	50,000
Employment Services System This included the continuation of those positions scheduled to end June 30 until July 31, 1974.	5,178
Consolidated Health Program	57,325
Career Opportunities Program	58,264

In addition, he recommended that the Consolidated Health Program be extended to August 31, 1974 using $9,000 in surplus funds remaining in the contract and the Consolidated Health Project for the Blind be extended through August 31, 1974 with existing funds of $1,900.

He further recommended the continuation of the following projects until they are completed or the contracted funds are depleted: Demolition; Livingston Street Neighborhood Facility; Riversider Park and Relocation.

Mayor Wood added that he had received a letter from the Model Cities Commission stating that in a telephone poll of the Commissioners during the past week it was recommended that the Consolidated Health Program be included in the funding.

Councilman Morris suggested that it be specified in the resolution that the appropriation of $57,325 for the Consolidated Health Program be used only as a local match for an Appalachia grant. Other members of the Council agreed.

Mayor Wood then asked for comments and recommendations from members of the audience.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of the June 20, 1974 meeting.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, the minutes of the June 20, 1974 meeting were approved as submitted.

ORDINANCE NO. 810 - AN ORDINANCE PERMITTING AND REGULATING THE USE OF BITUMINIZED FIBER SEWER PIPE WITHIN THE CITY OF ASHEVILLE

2. Consideration was given to the second reading of Ordinance No. 810, an ordinance permitting and regulating the use of bituminized fiber sewer pipe within the City of Asheville.

Mayor Wodd explained that members of Council had previously been furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 4-2, Ordinance No. 810 passed on its second reading, with Vice-Mayor Marshall and Councilman Hoyle voting "no".

RECOMMENDATION FROM MODEL CITIES COMMISSION CONCERNING THE APPROPRIATION OF MODEL CITIES FUNDS

3. Further consideration was given to a recommendation from the Model Cities Commission concerning the appropriation of funds.

Mayor Wood explained that this was a continuation of the discussion which began at the Council meeting June 20, 1974 concerning recommendations from the Model Cities Commission on the HUD allocation of $270,600 made available to the City plus $100,000 Third Action Year surplus funds. He noted that at the June 20th meeting the Council indicated tentative approval of all of the recommendations relative to the $270,600 except the appropriation of $25,019 for the Montford Community Center. The Council has also given tentative approval to the continuation of the position of Service Coordinator at the Senior Opportunity Center for one month pending additional information about the Aging Program; continuation for one month of the salaries and positions in the Program Administration and Employment Services System Programs scheduled to end June 30, 1974 and the continuation of the Demolition, Livingston Street Neighborhood Facility, Riverside Park and Relocation projects until they are completed or the funds are depleted. He said no action was taken at the June 20th meeting relative to the local matching share for the continuation of the Consolidated Health Program due to the Model Cities Commission not having been given the information in time to make a recommendation, prior to the presentation to the City Council. Consideration of the continuation of the Career Opportunity Program was also held over.

Mayor Wood asked Mr. Michalove to comment on the Region B Aging Program. Mr. Michalove told Council that a budget was submitted by the Buncombe County Council on Aging to the County Commissioners then to Region B to fund the project beginning July 1, 1974. He said the budget included a Project Director, a Secretary, and three (3) Community Resource Aides, two of which would be stationed at the Senior Opportunity Center. He explained that the Council on Aging was to operate the program originally but that in recent weeks the operating agency was changed to the Department of Social Services and he was not sure how this was going to change the staffing. In either case, he said it was his understanding that Mr. Miller, Services Coordinator at the Center now, had applied for one of these positions.

Mr. Delany, Model Cities Director, suggested that each program allocation be cut by $1,000 in order to fund the Services Coordinator's position if Council wish to do so.

Councilman Ochsenreiter and Horton concurred that some allocation should be made to allow for the continuation of the Services Coordinator for one year.

Since the position had been extended through July 31, Mr. Michalove suggested holding off on extending the position for one year to allow time to consult with the County Commissioners and determine what their plans are to provide social services to the Center.

Mayor Wood suggested that Council adopt the resolution before them, as changed and at the end of July take another look at the status of the Consolidated Health Program and the Service Coordinator's position.

The Assistant City Manager read the resolution. (Note: In the course of discussion it was pointed out that the Consolidated Health Program for the Blind was not to be continued and $1,900 was deleted from the resolution.)

Councilman Morris moved for the adoption of the resolution, which was seconded by Councilman Horton and carried unanimously.

Carl Johnson suggested that the Chairman of the County Commissioners and the Mayor write letters to the Chairman of ARC asking for support of the Consolidated Health Program.

Complete text of Resolution No. 74-85 will be found in Resolution Book No. 7 at page 269.

BIDS - AIRPORT SECURITY FENCING

4. Consideration was given to bids received June 11, 1974 for security fencing at the Asheville Airport.

The Assistant City Manager read a memorandum from the Purchasing Agent which recommended the award to Asheville Fencing Company in the amount of $17,464.50 (Schedule 1A). It was noted that this was not the low bidder, however, the low bidder, Southern Fence Company, submitted an irregular bid which was not responsive to the advertisement for bids and did not include all of the proposed work. No unit prices were submitted, only a lump sum, and the bid was not on the prescribed form. Therefore, it was recommended that the low bid be rejected.

Carl Johnson, a Model Cities Commissioner, told the Council that he thought the County was not doing enough to help support the various Model Cities programs, especially the health program and he felt that the County should be sharing in the local match for the Appalachia grant.

Mayor Wood concurred with Mr. Johnson stating that he felt that at this point in time there was not enough time to work out the details of this with the County for their support before the program was scheduled to be phased out.

Fred Brewer asked the Council to extend the Service Coordinator's position for a year rather than thirty days, explaining that Mr. Miller was doing a fine job and the Region B Aging Program was not going to materialize.

Carl Johnson spoke in favor of continuing the Employment Services System Program and giving the employees of this program Civil Service status.

Mayor Wood explained to Mr. Johnson that through federal Manpower funds which the County is responsible for allocating, funds were made available to the Community Relations Council for the purpose of establishing an Employment Assistance Program to continue major aspects of the Employment Service System Project.

Relative to the Service Coordinator's position in the Senior Opportunity Center Program, Mayor Wood said that there was a possibility of funding for this position or the continuation of the Social Service function through Region B funding. Also, it was anticipated that the Senior Opportunity Center Program would be included in next years City budget under the Parks and Recreation Department and this would not be a position continued.

Mrs. Nola Knuckles spoke in favor of continuing the position of Services Coordinator at the Senior Opportunity Center until they are assured of some other funding for the position.

Dr. H. W. Stevens, Director of the Buncombe County Health Department, spoke in favor of allocating funds for the Consolidated Health Program.

Dr. Jerry Snyder, Dental Director of the Buncombe County Health Department also spoke in favor of allocating additional funds to the Consolidated Health Program stating that this would help indigent children to receive dental care.

In response to Councilman Horton's question relative to funding of the Service Coordinator's position at the Senior Opportunity Center, it was noted that if this position was funded, funds would have to be cut from one or more of the other programs.

Upon questioning of Councilman Horton, Mr. Bill Jones said he could not give a definite answer as to when funds could be expected from ARC for the Consolidated Health Program.

Upon questioning of Councilman Hoyle relative to transferring funds from the Career Opportunity Program into the Senior Opportunity Center Program for the Services Coordinator, Mr. Clarke, Associate Superintendent of the Asheville City Schools stated that he thought this move would be unwise.

The Assistant City Manager read the resolution.

Mr. Michalove explained that these contracts were for the purpose of providing technical and professional services to maintain the City's data processing equipment and to provide teleprocessing personnel services to improve the present and future use and capacity of the equipment through a variety of special data program designs and techniques.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 74-86 was unanimously adopted.

Complete text of Resolution No. 74-86 will be found in Resolution Book No. 7 at page 271.

Mayor Wood called for a five (5) minute recess.

ORDINANCE NO. 809 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1974-75

7. Consideration was given to the third and final reading of Ordinance No. 809, an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the fiscal year 1974-75.

Mayor Wood noted that the budget ordinance had previously been read on two readings with a 99¢ per hundred dollar valuation tax rate. He said that at last weeks meeting it was tentatively indicated that Council would present a final budget ordinance reflecting a 93¢ tax rate. He then asked the City Manager to present the final reading of an amended ordinance which would reflect a 92¢ per hundred dollar valuation rate.

After the presentation, Mayor Wood stated that the 92¢ rate was 5.75 per cent increase over the 1973-74 rate.

Mr. Fisher, Director of Finance, was then requested to read the specified line item changes made in the original budget ordinance.

A concerned citizen voiced her opposition to any tax increase stating that with the inflation of prices people could not affort an increase. She also voiced concern over school taxes. Mayor Wood informed her that the City of Asheville had nothing to do with appropriations for schools, that these funds were appropriated by the County.

Councilman Horton stated that he did not endorse the original budget on the last reading because he felt it was not specific nor positive enough to vote on, but with the adjustments made this past week he felt he could now endorse it with the feeling that it was a good and well prepared budget. He said he was also happy that Council had provided funds for the proposed airport improvements, as he felt this would be a good investment.

Mayor Wood noted that included in the budget was a program for replacing the street lighting for Patton Avenue and Haywood Street with an underground system. This, he said, would be done in cooperation with the Carolina Power and Light Company and that the City's share would be financed with Revenue Sharing funds.

Councilman Morris moved to accept the recommendation of the FAA representative and the Purchasing Agent and award the contract to Asheville Fencing Company in the amount of $17,464.50 for Schedule 1A of the bids. This motion was seconded by Councilman Colton and carried unanimously.

Bid Summary

TABULATION OF BIDS

BIDS RECEIVED 11:00 A.M., Tuesday, June 11, 1974 F.A.A. PROJECT NO. ADAP 8-37-0005-02

ASHEVILLE SECURITY FENCING

ITEM NO	SCHEDULE OF QUANTITES ITEM	QUANTITY & UNIT	BID PROPOSAL SOUTHERN FENCE COMPANY, INC. UNIT PRICE	SOUTHERN FENCE COMPANY, INC. TOTAL	ASHEVILLE FENCE COMPANY, INC. UNIT PRICE	ASHEVILLE FENCE COMPANY, INC. TOTAL	PARKS ENTERPRISES, INC. UNIT PRICE	PARKS ENTERPRISES, INC. TOTAL
	Schedule 1 - Base Bid							
1.	[illegible] Fence and Drive Way Gate	Lump Sum			637.50	637.50	1,912.50	1,912.50
2.	[illegible] Fence, Class B, Type D	2,900 L.F.			6.91	20,039.00	7.90	22,910.00
3.	[illegible] Gate, Class B, Type D	1 Ea.			100.00	100.00	180.00	180.00
4.	[illegible] Swing Gate, Class B, Type D	1 Ea.			296.00	296.00	[illegible]	[illegible]
5.	[illegible] Swing Gate, Class B, Type D	3 Ea.			349.00	1,047.00	[illegible]	[illegible]
	Total - Schedule 1 - Base Bid					22,819.50		[illegible]
	Schedule 1A - Alternate							
1.	Fence with Chain Fence and Driveway Gate	Lump Sum			637.50	637.50	1,912.50	1,912.50
2.	[illegible] Fence, Class B, Type A	2,900 L.F.			5.51	15,979.00	[illegible]	[illegible]
3.	[illegible] Gate, Class B, Type A	2 Ea.			40.00	80.00	360.00	[illegible]
4.	[illegible] Gate, Class B, Type A	2 Ea.			96.00	192.00	[illegible]	[illegible]
5.	[illegible] Swing Gate, Class B, Type A	3 Ea.			195.00	585.00	[illegible]	[illegible]
	Total - Schedule 1A - Alternate			* 14,800.00		17,464.50		[illegible]
	Schedule 1B - Alternate							
1.	[illegible] Fence and Driveway Gate	Lump Sum			637.50	637.50	1,912.50	1,912.50
2.	[illegible] Fence, Class B, Type C	2,900 L.F.			6.12	17,748.00	* 6.90	[illegible]
3.	[illegible] Gate, Class B, Type C	1 Ea.			60.00	60.00	[illegible]	[illegible]
4.	[illegible] Swing Gate, Class B, Type C	2 Ea.			96.00	192.00	[illegible]	[illegible]
5.	[illegible] Swing Gate, Class B, Type C	3 Ea.			192.00	576.00	690.00	[illegible]
	Total - Schedule 1B - Alternate					19,233.00		[illegible]

BIDS - TWO-WAY RADIO COMMUNICATION EQUIPMENT FOR ASHEVILLE AIRPORT

5. Consideration was given to bids received June 11, 1974 for Two-way radio communication equipment for the Asheville Airport.

The Assistant City Manager read a memorandum from the Purchasing Agent which stated that only one bid was received for the communication equipment, that of Lanning-Neely 2-Way, Inc. in the amount of $8,093.27. It was recommended that the City accept this bid and award the contract without further bidding.

Mr. George Phipps, Purchasing Agent, explained to Council that bids on hardware or apparatus under $10,000 did not require three bids, therefore the Council could accept the one bid.

Councilman Colton moved to accept the recommendation of the FAA respresentative and the Purchasing Agent and award the contract to Lanning-Neely 2-Way Inc. in the amount of $8,093.27. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

RESOLUTION NO. 74-86 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CONTRACTS WITH ENVIRONMENTAL DATA PLANNING ASSOCIATES, INC. FOR TELEPROCESSING AND MAINTENANCE SERVICES FOR THE CITY DATA PROCESSING DIVISION

6. Consideration was given to a resolution authorizing the Mayor to execute contracts with Environmental Data Planning Associates, Inc. for teleprocessing and maintenance services for the City Data Processing Division.

The Assistant City Manager told Council that the bid reflects a $4.05 increase per ton over the 1973-74 contract, due to the cost of liquid asphalt being increased over the past year. He said even with the increase he felt the bids were good.

Vice-Mayor Marshall moved to accept the recommendation of the Purchasing Agent and award the contract for unit prices submitted by Asheville Paving Company in the amount of $16.35 per ton for item 1; $15.90 per ton for item 2; $16.50 per ton for item 3; $15.40 per ton for item 4; $6.00 l. f. for item 5; $100.00 for item 7; and $450.00 for item 8 for a total amount of $179,410.00. This motion was seconded by Councilman Colton and carried unanimously.

Bid Summary

BID SUMMARY — CITY OF ASHEVILLE — BIDS OPENED: JUNE 25, 1974 - 10:00 A.M.

BID REQUEST No. 216 - RESURFACING AND PAVING CITY STREETS FOR FISCAL YEAR 1974-75

ITEM	APPROXIMATE QUANTITIES	DESCRIPTION	ASHEVILLE PAVING		PAVING ENTERPRISES		WARREN BROTHERS	
			unit price	amount	unit price	amount	unit price	amount
Item 1.	6,000 Tons	Bituminous Concrete Surface Material, Class I-2 (per specifications)	16.35 ton	98,100	16.75 ton	100,500	16.50 ton	99,000
Item 2.	400 Tons	Bituminous Concrete Base Material, Class H (per specifications)	15.90 ton	6,360	16.75 ton	6,700	16.50 ton	6,600
Item 3.	2500 Tons	Bituminous Concrete Surface Material, Class F-1 (per specifications)	16.50 ton	41,250	16.75 ton	41,875	16.50 ton	41,250
Item 4.	500 Tons	Bituminous Concrete Base Material, Class H-B (per specifications)	15.40 ton	7,700	16.75 ton	8,375	16.50 ton	8,250
Item 5.	3000 Lineal Feet	2.5' Standard P.C. Concrete Curb & Gutter	6.00 l.f.	18,000	6.00 l.f.	18,000	6.00 l.f.	18,000
Item 6.	40	Adjust M.H. Max. 2"	100.00	4,000	125.00	5,000	150.00	6,000
Item 7.	35	Adjust Valve Boxes Max. 2"	50.00	1,750	75.00	2,625	75.00	2,625
Item 8.	5	Adjust C.B. Max. 2.5' and Furnish & Install 6"x24" Frame and Grates	450.00	2,250	450.00	2,250	400.00	2,000
TOTAL AMOUNT OF BID - ENTIRE PROJECT				$179,410		$185,325		$183,725
BID DEPOSIT			5% Bid Bond		5% Bid Bond		5% Bid Bond	

RESOLUTION NO. 74-89 - RESOLUTION APPOINTING MEMBERS OF THE ASHEVILLE-BUNCOMBE DRUG AND ALCOHOL ABUSE ADVISORY COMMISSION

11. Consideration was given to a resolution appointing members of the Asheville-Buncombe Drug and Alcohol Abuse Advisory Commission. (Mr. John L. Tyrer, Rev. C. A. Zabriskie, and Mr. Harry Woggan)

The City Manager read the resolution.

Councilman Morris moved to amend the ordinance with the recommended changes, This motion was seconded by Councilman Horton and on a roll call vote Councilman Morris's motion was unanimously adopted.

On a roll call vote of 6-0, Ordinance No. 809, as amended, was passed on its third and final reading.

Complete text of Ordinance No. 809 will be found in Ordinance Book No. 6 at page 79.

RESOLUTION NO. 74-87 - RESOLUTION AUTHORIZING THE MAYOR TO EXTEND THE LEASE AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE OPPORTUNITY CORPORATION OF MADISON-BUNCOMBE COUNITES FOR THE USE OF THE PROPERTY AND FACILITIES FORMERLY KNOWN AS THE LIVINGSTON STREET SCHOOL PROPERTY

8. Consideration was given to a resolution authorizing the Mayor to extend the lease agreement between the City of Asheville and the Opportunity Corporation of Madison-Buncombe Counties for the use of the property and facilities formerly known as the Livingston Street School property.

The Assistant City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, Resolution No. 74-87 was unanimously adopted.

Complete text of Resolution No. 74-87 will be found in Resolution Book No. 7 at page 272.

RESOLUTION NO. 74-88 - RESOLUTION SUPPORTING THE ASHEVILLE-BUNCOMBE COMMUNITY RELATIONS COUNCIL

9. Consideration was given to a resolution supporting the Asheville-Buncombe Community Relations Council.

The Assistant City Manager read the resolution.

Mayor Wood commented that the Buncombe County Commissioners had passed a similar resolution several weeks ago and he recommended its approval.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Horton, Resolution No. 74-88 was unanimously adopted.

Complete text of Resolution No. 74-88 will be found in Resolution Book No. 7 at page 273.

BIDS - RESURFACING AND PAVING CITY STREETS FOR FISCAL YEAR 1974-75

10. Consideration was given to bids received on June 25, 1974 for resurfacing and paving city streets for Fiscal Year 1974-75.

The City Manager read a memorandum from the Purchasing Agent which recommended the award to the low bidder, Asheville Paving Company in the total bid price of $179,410.00.

The Corporation Counsel read the ordinance.

Councilman Colton moved for the adoption of the ordinance which was seconded by Councilman Ochsenreiter.

On a roll call vote of 6 - 0, Ordinance No. 812 passed on its first reading.

Councilman Colton moved to suspend the rules and proceed to the second reading of the ordinance. This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote of 6 - 0, Ordinance No. 812 passed on its second reading.

Councilman Colton again moved to suspend the rules and proceed to the third and final reading. This motion was seconded by Councilman Morris and carried unanimously.

On a roll call vote of 6 - 0, Ordinance No. 812 passed on its third and final reading.

Complete text of Ordinance No. 812 will be found in Ordinance Book No. 6 at page 87.

RESOLUTION NO. 74-92 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF TRANSPORTATION TO DEFRAY THE EXPENSES INCURRED IN RELOCATING MUNICIPALLY OWNED UTILITIES.

15. Consideration was given to a resolution authorizing the Mayor to enter into an agreement with the Board of Transportation to defray the expenses incurred in relocating municipally owned utilities. (McDowell Street)

The Corporation Counsel read the resolution.

Upon motion of Councilman Colton, seconded by Vice-Mayor Marshall, Resolution No. 74-92 was unanimously adopted.

Complete text of Resolution No. 74-92 will be found in Resolution Book No. 7 at page 279.

CLAIMS

16. The City Manager presented the following claims: Jacob P. Demetris, James Hickman of Jaline Corp.; Pearce, Young, Angel Company, and Steve Webber.

Mayor Wood referred the claims to the Corporation Counsel.

CIVIC CENTER - REPORT OF CITY MANAGER

The City Manager expressed his appreciation to Mr. Wolcott, Assistant City Manager, Mr. Evans, Civic Center Manager, Mr. Hollifield, Assistant Manager and Mr. Bostic, along with all the other city employees who worked so hard day and night to see that the Civic Center had a successful opening on June 22, 1974.

Mayor Wood concurred with the City Manager's expression of appreciation.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, Resolution No. 74-89 was unanimously adopted.

Complete text of Resolution No. 74-89 will be found in Resolution Book No. 7 at page 275.

PETITION - CLOSING OF UNNAMED ALLEY - ADJACENT TO WARD 9, SHEET 21, LOTS 19, 124 and 125

12. The City Manager presented a petition from E. Webb Ellis and wife, Kathryn N. Ellis, and Alice Laubach requesting that an unnamed alley adjacent to Ward 9, Sheet 21, Lots 19, 124 and 125 be permanently closed. He advised Council that if they wished to consider the closing of this alley it would be necessary to pass a resolution setting a public hearing on the question and that if it was Council's wish he was prepared to present the resolution at this time. On instructions from Mayor Wood the Assistant City Manager read the following resolution.

RESOLUTION NO. 74-90 - RESOLUTION OF INTENT TO CLOSE UNNAMED ALLEY AND CALLING A PUBLIC HEARING ON THE QUESTION

Councilman Hoyle moved for the adoption of the resolution setting the date of the public hearing for July 25, 1974. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

RESOLUTION NO. 74-91 - RESOLUTION APPOINTING MEMBERS AND ALTERNATE MEMBERS TO BOARD OF ADJUSTMENT UNDER ORDINANCE NO. 322, AS AMENDED.

13. Consideration was given to a resolution appointing members and alternate members to the Board of Adjustment under Ordinance No. 322, as amended. (John M. Acee, W. G. Adams, Wm. T. Duckworth, Jr., A. R. Shader, Herbert A. Wallace, John W. Abbott, Jack Baber, Lawrence J. Traber, Graham Price)

The Assistant City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 74-91 was unanimously adopted.

Complete text of Resolution No. 74-91 will be found in Resolution Book No. 7 at page 278.

ORDINANCE NO. 812 - AN ORDINANCE AMENDING SECTION 28-61 SUBSECTION (C)(1) OF THE CODE OF THE CITY OF ASHEVILLE (Pertaining to Red Lights)

14. Consideration was given to an ordinance amending Section 28-61 Subsention (C)(1) of the Code of the City of Asheville which would prohibit vehicles from making right turns at red lights at the following intersections:

Patton Avenue and Coxe Avenue
Patton Avenue and Church Street
College Street and Market Street
College Street and Lexington Aveue
College Street and Haywood Street
Haywood Street and Battery Park Avenue
Haywood Street and Montford Avenue
S. French Broad and Hilliard Avenue
Glendale Avenue and Fairview Road

Thursday - July 11, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of the June 27, 1974 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Ochsenreiter, the minutes of the June 27, 1974 meeting were approved as submitted.

RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE RELATING TO THE REVISAL OF ORDINANCE NO. 322, AS AMENDED, COMMONLY REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF ASHEVILLE

2. Consideration of a resolution calling for a public hearing for the adoption of an ordinance relating to the revisal of Ordinance No. 322, as amended, commonly referred to as the Zoning Ordinance of the City of Asheville was deferred.

Before proceeding with the items scheduled for the current agenda, Mayor Wood referred to Item No. 8, "Setting of a public hearing to consider revisions to the Zoning Ordinance", and announced that since the zoning of the newly annexed South Buncombe area had not been included, item no. 8 was being deleted from the agenda and the ordinance was being sent back to the Planning and Zoning Commission for further consideration. He said Council would again consider this subject as soon as they received a report back from the Planning and Zoning Commission.

ORDINANCE NO. 810 - AN ORDINANCE PERMITTING AND REGULATING THE USE OF BITUMINIZED FIBER SEWER PIPE WITHIN THE CITY OF ASHEVILLE

3. Consideration was given to the third and final reading of Ordinance No. 810, an ordinance permitting and regulating the use of bituminized fiber sewer pipe within the City of Asheville.

On a roll call vote of 6-0, Ordinance No. 810 passed on the third and final reading.

Complete text of Ordinance No. 810 will be found in Ordinance Book No. 6 at page 85.

ORDINANCE NO. _____ AN ORDINANCE AMENDING THE LICENSE SCHEDULE OF SECTION 15, ORDINANCE NO. 495, THE REVENUE ORDINANCE OF THE CITY OF ASHEVILLE BY DELETING THE PROVISION UNDER SUBHEADING "BANKS, TRUST COMPANIES, INDUSTRIAL BANKS OR COMPANIES DOING A SIMILAR BUSINESS."

4. Consideration was given to an ordinance amending the License Schedule of Section 15, Ordinance No. 495, the Revenue Ordinance of the City of Asheville by deleting the provision under subheading "Banks, Trust Companies, Industrial Banks or Companies doing a similar business."

COUNCIL MEETING CANCELLED - JULY 4, 1974

Mayor Wood advised that Council would not be meeting next week - July 4, 1974. The next meeting will be held July 11, 1974.

Adjournment.

Richard A. Wood
MAYOR

William F. Maloney
CITY CLERK

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 74-95 was unanimously adopted.

Complete text of Resolution No. 74-95 will be found in Resolution Book No. 7 at page 282.

RESOLUTION NO. 74-96 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE TO BE REFERRED TO AS THE EROSION CONTROL ORDINANCE OF THE CITY OF ASHEVILLE

8. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance to be referred to as the Erosion Control Ordinance of the City of Asheville.

The City Manager read the resolution.

Councilman Hoyle moved for the adoption of the resolution and that the date for the public hearing be set for August 1, 1974 at 3:00 o'clock p. m. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Complete text of Resolution No. 74-96 will be found in Resolution Book No. 7 at page 283.

RESOLUTION NO. 74-97 - RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING AND RATIFYING THE EXECUTION OF GRANT AGREEMENT FOR PROJECT NO. 8-37-0005-02-74 BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF ASHEVILLE

9. Consideration was given to a resolution authorizing, adopting, approving, accepting, and ratifying the execution of grant agreement for Project No. 8-37-0005-02-74 between the United States of America and the City of Asheville.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, Resolution No. 74-97 was unanimously adopted.

Complete text of Resolution No. 74-97 will be found in Resolution Book No. 7 at page 284.

BIDS - ASHEVILLE AIRPORT CRASH, FIRE AND RESCUE TRUCK

10. Consideration was given to bids received on June 11, 1974 for the purchase of an Airport Crash, Fire and Rescue Truck.

The City Manager read a memorandum from the Purchasing Agent, who advised that no bids were received on the base bid specifying 180 days delivery, but that under the alternate bid specifying a delivery date of from 280 to 300 days, three bids were received and that Southeastern Safety Appliance Co., Inc. was the low bidder in the amount of $24,240.00. He said that both he and the Director of Aviation concurred in the recommendation to award the contract to the low bidder.

The City Manager presented the ordinance and explained that the 1974 General Assembly exempted Banks, Trust Companies, Industrial Banks or Companies doing a similar business from the payment of excise taxes and therefore these businesses were being deleted from the Privilege License Ordinance.

In the absence of a motion for the adoption of the ordinance no action was taken.

RESOLUTION NO. 74-93 - RESOLUTION REGARDING AUDIT CONTRACT FOR THE MODEL CITIES PROGRAM

5. Consideration was given to a resolution regarding audit contract for the Model Cities Program.

The City Manager presented the resolution in which he was authorized to enter into a contract with Calder and Crawley, C.P.A.'s for the auditing of the Model Cities Second Action Year ending January 31, 1973 and Model Cities Third Action Year ending June 30, 1974.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 74-93 was unanimously adopted.

Complete text of Resolution No. 74-93 will be found in Resolution Book No. 7 at page 280.

RESOLUTION NO. 74-94 - RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION FOR A FEDERAL GRANT TO SUPPORT THE BOYS' CLUB

6. Consideration was given to a resolution authorizing the Mayor to submit an application for a federal grant to support the Boys' Club.

The City Manager read the resolution.

Mayor Wood called on Mr. Jackson, Director of the Boys' Club, who said that approval of the program would increase the number of boys served from 600 to 1600 and would expand the program from 1 area to 3. He said the 5 per cent City's share for three (3) years would never exceed $5,000.00 a year and should diminish in the last two (2) years.

Upon motion of Councilman Colton, seconded by Councilman Horton, Resolution No. 74-94 was unanimously adopted.

Complete text of Resolution No. 74-94 will be found in Resolution Book No. 7 at page 281.

RESOLUTION NO. 74-95 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE BUNCOMBE COUNTY COMMISSIONERS FOR A FEDERAL GRANT UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT OF 1973

7. Consideration was given to a resolution authorizing the Mayor to enter into an agreement with the Buncombe County Commissioners for a federal grant under the Comprehensive Employment and Training Act of 1973.

BID SUMMARY — CITY OF ASHEVILLE

BID REQUEST # 217 - UNIFORMS - FIRE DEPARTMENT AND POLICE DEPARTMENT

ITEM	QUANTITY & DESCRIPTION	THE ASHEVILLE ARMY STORE		HUB UNIFORM COMPANY		STINNETTE UNIFORM SALES, INC.	
ITEM 2 - UNIFORMS - POLICE DEPT		unit price	amount	unit price	amount	unit price	amount
	98 Caps	7.49	734.02	No Bid		5.50	539.00
	196 Ties	1.00	196.00			1.10	215.60
	196 Pants	18.05	3,537.80			19.85	3,890.60
	392 Shirts	7.25	2,842.00			8.10	3,175.20
	23 Tuffy Jackets	28.50	655.50			31.00	713.00
	11 Reefers	93.50	1,028.50			83.00	913.00
	2 Double Breasted Blouses	69.95	139.90			82.50	165.00
	6 Skirts (Meter Maids)	23.65	141.90			12.50	75.00
	12 Shirts (Meter Maids)	5.35	64.20			7.50	90.00
	3 Caps (Meter Maids)	13.95	41.35			5.50	16.50
	TOTAL BID ITEM # 2		$9,381.57				$9,792.90
	BID DEPOSIT	Certified Check				Certified Check	

BIDS - TIRES AND TUBES AS REQUIRED FOR PERIOD JULY 15, 1974 THROUGH JUNE 30, 1975.

12. Consideration was given to bids received July 3, 1974 for Tires and Tubes required for period July 15, 1974 through June 30, 1975.

The City Manager presented Council with bid summaries and read the memorandum from the Purchasing Agent who recommended the low bidder for each item. He stated that James Parris, Motor Transport Superintendent, concurred in his recommendation.

Councilman Ochsenreiter moved that the low bid on a unit price basis, be accepted as recommended by the Purchasing Agent. Councilman Horton seconded this motion and it carried unanimously.

GROUP 1 - NEW TIRES
CONVENTIONAL, MUD & SNOW, PREMIMUM
ITEMS 1 THROUGH 39

Firestone Store - Items: 1, 6, 8-13, 21, 24-26, 29, 31-33
Hughes Tires Company - Items: 2-5, 7, 14-20, 22, 23, 27, 28, 30, 36, 37
Sultan of Tires - Items: 34, 35
Free Service Tire- Item: 38
B. F. Goodrich - Item: 39

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the contract to the low bidder, Southeastern Safety Appliance Co., Inc. in the amount of $24,240.00. Vice-Mayor Marshall seconded this motion.

In the discussion several technical questions were raised regarding the design of the equipment and not receiving adequate information Councilman Morris and Vice-Mayor Marshall withdrew the motion and the second. Mayor Wood then directed the Purchasing Agent to provide the information at the next meeting.

BIDS - POLICE DEPARTMENT AND FIRE DEPARTMENT UNIFORMS

11. Consideration was given to the bids received July 3, 1974 for uniform requirements for the Police and Fire Department.

The City Manager read a memorandum from the Purchasing Agent who separated the Police and Fire Department's requirements into two bids, Bid Item #1 for the Fire Department and Bid Item #2 for the Police Department. In making his recommendation for Bid Item #1 he stated that the Hub Uniform Company submitted the low bid of $4,061.25, but that the material they proposed did not meet specifications and therefore he recommended the second low bidder, The Asheville Army Store, who submitted a bid of $4,341.35. Chief Hall concurred in this recommendation.

His recommendation for Bid Item #2, uniforms for the Police Department, was to the low bidder, The Asheville Army Store, in the amount of $9,381.67. Chief Hall concurred with his recommendation.

Councilman Colton moved to accept the second low bid for Bid Item #1, Uniforms for the Fire Department, submitted by the Asheville Army Store in the amount of $4,341.35 and the low bid for Bid Item #2, Uniforms for the Police Department, submitted by the Asheville Army Store in the amount of $9,381.67. Councilman Morris seconded this motion and it was carried unanimously.

BID REQUEST # 217 - UNIFORMS - FIRE DEPARTMENT AND POLICE DEPARTMENT

ITEM	QUANTITY & DESCRIPTION	THE ASHEVILLE ARMY STORE		HUB UNIFORM CO.		STINNETTE UNIFORM SALES, INC.	
ITEM 1	- UNIFORMS - FIRE DEPT.	unit price	amount	unit price	amount	unit price	amount
276	Midnight Blue Pants (Work Uniforms)	8.47	2,337.72	6.75	1,863.00	9.80	2,704.80
276	Midnight Blue Short Sleeve Shirts (Work Uniforms)	5.49	1,515.24	5.75	1,587.00	6.65	1,835.40
9	Light Blue Short Sleeve Shirts With Badge Tabs	5.35	48.15	5.75	51.75	6.60	59.40
18	White Short Sleeve Shirts With Badge Tabs	5.35	96.30	5.75	103.50	6.60	118.80
18	Prs. Pants - 55% Dacron, 45% Wool 1/4 Top Pocket - Button Tab on Left Hip Pocket	14.23	256.14	20.00	360.00	15.40	277.20
	Asst. Chief's Caps	21.95	65.85	24.00	72.00	21.80	65.40
1	Chief's Cap		21.95		24.00		21.80
	TOTAL BID ITEM # 1		$4,341.35		$4,061.25		$5,082.80
	BID DEPOSIT	CERTIFIED CHECK		CERTIFIED CHECK		CERTIFIED CHECK	

PETITION - CLOSING OF "THE OFFICE LOUNGE", 640 MERRIMON AVENUE

Mr. Tom Muncy, 33 Maney Avenue, presented Council with a petition, signed by 440 residents within a four (4) block area, requesting immediate action on eliminating the problem of the public nuisance created by the noisy congregating of people on or about the premises of the Office Lounge located at 640 Merrimon Avenue.

Mrs. L. A. Trumbo, 27 Maney Avenue, reviewed the history of the operation of "The Office Lounge." She described some of the experiences that the neighborhood had been subjected to and the noisy and boistrous actions of the young people who frequent this place of business. She also described the excessive use of beer and wine and the numerous arrests that had been made for drug abuse. She said that their group had also been working with Mr. Robert Lewis, Buncombe County Solicitor, who had met with them and was assisting them in the filing of affidavits of the various actions that they had observed.

Mr. L. A. Trumbo, also of 27 Maney Avenue, questioned Chief Hall about numerous drug arrests and conflicting reports of police activities connected with the operation of the Office Lounge. Mr. Trumbo was satisfied with some answers given by Chief Hall but suggested Council obtain some answers for themselves. Finally Mr. Trumbo asked for Council's assistance in obtaining the permanent padlocking of the Office Lounge by Buncombe County Solicitor Robert Lewis and that Council look into the enactment of an ordinance outlawing any nightclub or place of amusement that attracts a large number of boistrous patrons, from being located in an area zoned partially commercial and partially residential.

In the discussion that followed it was disclosed that since the lounge no longer had a beer license, beer was being bought at another business across the street, known as the Sip and Dip, and transported to the lounge. Chief Hall informed Council that the Sip and Dip also had a beer permit violation pending against them that was scheduled for hearing before the ABC Board that day, but that the hearing had been continued with no firm date set.

Council questioned Mr. Trumbo on various points of his complaint and expressed their concern over the activities taking place and the inconveniences being caused by these activities.

Mr. Moore, City Attorney, advised Council that the Buncombe County Solicitor's office was the proper channel for action to be taken in this case.

Councilman Ochsenreiter was assured by Chief Hall that he would increase the police coverage until such time as Solicitor Lewis had the opportunity to secure further information.

The City Manager advised Council that he would meet with Chief Hall and discuss the police coverage of the area.

After some discussion and at the suggestion of Mayor Wood, Councilman Ochsenreiter moved that the City Clerk be directed to communicate with the ABC Board, requesting a hearing on the Sip and Dip beer permit violation at the earliest possible date. That the City Clerk be further directed to communicate with Solicitor Robert Lewis and to report to him the receipt of this petition, and that Mr. Lewis be requested to continue his efforts to have the Office Lounge declared a public nuisance under legal proceedings. That the City Manager be directed to have Chief Hall permanently assign at least one patrolman to the area. That Mayor Wood be authorized to communicate with Mr. Wade Hall, owner of the Office Lounge, requesting him to permanently close his place of business. Councilman Horton in adding his second stated that he heartly endorsed the motion.

GROUP 2 - TUBES
ITEMS 1 THROUGH 11

Hughes Tire Company - Items: 1, 2, 4-7, 11
B. F. Goodrich - Items: 3, 10
Free Service Tire - Items: 8, 9

GROUP 3 - RECAP TIRES
ITEMS 1 THROUGH 32

Sultan of Tires - Items: 1-10, 12-14, 20-22, 24, 26-28
Firestone Stores - Items: 11, 15-19, 23, 25, 29-32

Complete bid summary is on file in the Office of the City Clerk.

PETITION - PROPERTY OFFER AND REZONING REQUEST - PERRY M. ALEXANDER, JR.

13. The City Manager presented Council with a petition in which Perry M. Alexander, Jr. proposed to dedicate to the City a narrow strip of land between Highway 81 and the Swannanoa River. Mr. Alexander further petitioned for the rezoning of a lot in the same vicinity from Roadside Business to Commercial.

In the absence of an objection from Council, Mayor Wood instructed the City Clerk to refer the petition to the Planning and Zoning Commission for study and recommendation.

CLAIM FOR DAMAGES

14. The City Manager presented a claim for damages from Mrs. Florence Lisenbee, resulting from a fall at the Asheville Airport.

Mayor Wood referred the claim to the Corporation Counsel for disposition.

REZONING REQUEST - MRS. CAROLYN LAING BY MR. JAMES SLUDER - OAK HILL DRIVE

15. Consideration was given to a rezoning request of Mrs. Carolyn Laing by Mr. James Sluder, that Lot 1-1/3, Ward 6, Sheet 20 (Oak Hill Drive), be rezoned from RA-6 Residential District to Commercial.

The City Manager read a letter from the Planning and Zoning Commission advising Council that they had considered this request and that they recommended that the request be denied and the property remain as it is now zoned.

Mayor Wood announced that in light of the negative recommendation from the Planning and Zoning Commission and the absence of a request from the petitioner for a public hearing the petition was denied.

Thursday - July 18, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of the July 11, 1974 meeting.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall, the minutes of the July 11, 1974 meeting were approved as submitted.

OFFICE LOUNGE DISCUSSION

2. Councilman Horton asked that before proceeding with the regular agenda Mayor Wood give a brief report to Council on what had transacted during the past week with reference to the citizen complaints on the Office Lounge.

Mayor Wood reported that he had written to Mr. Wade Hall, owner of the lounge, requesting that he permanently close his place of business. He said he had not received an official answer to this letter but would keep Council advised. He instructed the City Clerk to include the letter in its entirety in the minutes of the meeting.

The Mayor further reported that with reference to the letter that the City Clerk was instructed to write to the Chairman of the ABC Board, relative to scheduling the hearing on the Sip & Dip permit violations, he said that on receiving information that this hearing was scheduled for Charlotte and he took it on himselft to write the ABC Board Chairman. He said he was instructing the City Clerk to also make this letter a part of the minutes.

He said the City Clerk had written to Mr. Lewis, District Attorney, asking him to press his investigations regarding the Office Lounge. He said that this letter also would be made a part of the minutes of the meeting.

The City Manager reported that as instructed he had met with Chief Hall and a police officer had been assigned to patrol in the vicinity of the Office Lounge. Since this time the lounge had been closing up around 10:30 p. m. to 11:00 p. m. each night and that there had been a noticeable decrease of activity in the area.

Councilman Horton said that even though Council had taken these steps he still hoped that the Solicitor would continue to make every effort to close this establishment down.

The letters written relative to the Office Lounge and instructed by Mayor Wood to be included in the minutes of this meeting are as follows:

REV. WESLEY GRANT AND CARL JOHNSON - FALSE ARREST OF BLACK RESIDENT

Rev. Grant and Carl Johnson spoke to Council with reference to the false arrest and beating of a black resident on Tuesday of this week. They were advised that all the facts had not been collected at this time but that the matter would be investigated.

MR. ZZYVKO NARJANOVIC - COMPLIMENTED COUNCIL

Mr. Zzyvko Narjanovic complimented Council on the conditton of the streets and the standard of services that the City produced without a considerable tax increase.

CONSOLIDATED HEALTH PROGRAM - MR. BILL JONES

Mr. Bill Jones, Director of the Consolidated Health Program, reported to Council that the Consolidated Health Program had been given "Emergency Funds" by the Appalachia Regional Council to continue the program for 30 days until additional information could be obtained.

Adjournment.

William J. McCarthy
MAYOR

Richard A. Wood, Jr.
CITY CLERK

CITY OF ASHEVILLE

ASHEVILLE, NORTH CAROLINA

July 12, 1974

RICHARD A. WOOD, JR.
[redacted]

Dr. L. C. Holshouser
Chairman
North Carolina Board of Alcoholic Control
P. O. Box 2524
Raleigh, North Carolina 27611

Dear Dr. Holshouser:

At the July 11, 1974 meeting of the Asheville City Council a substantial delegation of residents of the Merrimon Avenue section of Asheville again appeared before City Council to complain of circumstances existing in the neighborhood when a business establishment known as The Office Lounge is open.

You will recall this establishment formerly had a license for the on-premises sale of beer and this license was voluntarily surrendered by the owner, Mr. Wade Hall, last year and the establishment was closed for several months. However, the establishment later reopened and continues to be a problem.

City Council was advised that a hearing had originally been scheduled for today concerning alleged violations of Alcoholic Beverage Control violations by the Sip & Dip package store, which is also owned by Mr. Hall and is adjacent to The Office Lounge. However, City Council was advised that that hearing was continued at the request of Mr. Hall.

At the conclusion of the consideration of this matter at the July 11 Council meeting, the City Council unanimously directed the City Clerk to write you, requesting that a hearing on the Sip & Dip matter be heard in Asheville as soon as possible.

After the meeting, I learned that a hearing has now been scheduled on this matter for July 26, 1974 in Charlotte. In light of this development, I felt it best to write you myself and respectfully request, on behalf of the City Council and concerned citizens of our community, that this hearing be scheduled in Asheville, rather than in Charlotte, so that interested citizens can find it practical to attend this hearing.

For your additional information, I enclose a copy of a letter which I have today written to Mr. Hall at the direction of City Council.

Very truly yours,

Richard A. Wood, Jr.

Richard A. Wood, Jr.
Mayor

RAWjr/re

Enclosures

CC: Members City Council
Mr. Wade Hall

CITY OF ASHEVILLE

ASHEVILLE, NORTH CAROLINA

July 12, 1974

RICHARD A. WOOD, JR.
[redacted]

Mr. Wade Hall
Attorney at Law
Suite 206, Gennett Building
29 North Market Street
Asheville, North Carolina

Dear Mr. Hall:

At the July 11, 1974 meeting of the Asheville City Council, a substantial number of people who reside in the area near your establishment, The Office Lounge, appeared again to protest to City Council the conditions which continue to exist in the area when your establishment is open for business.

I enclose copies of a petition bearing the signatures of over 400 residents of the area, requesting that every possible effort be taken to improve this situation.

On several previous occasions, you have voluntarily closed your establishment after particular incidents occurred. However, conditions would again deteriorate when your establishment again opened for business.

At the conclusion of the discussion of this matter during our Council meeting, City Council unanimously adopted a resolution directing me to advise you of the City Council's request, on behalf of residents of the area and our citizenry at large, that you voluntarily close The Office Lounge unless you can take whatever steps might be necessary to solve the problems which have continued to exist for many months.

The Council recognizes that it has no legal authority under existing laws of the State of North Carolina and ordinances of the City which would be permissible under State law to require that your establishment be closed due to the situation that has existed there for some months. Nevertheless, it is felt that the conditions that continue to exist in the area surrounding your establishment during its business hours is not a credit to our community as a whole and is particularly detrimental to the peace and dignity of the immediate area.

Your favorable consideration of this request by the City Council, on behalf of our community, will be greatly appreciated.

Very sincerely yours,

Richard A. Wood, Jr.

Richard A. Wood, Jr.
Mayor

RAWjr/rs

Enclosure

CC: Members City Council
City Attorney, Mr. William C. Moore
Buncombe County Solicitor, Mr. Robert D. Lewis

APPROVAL OF THE REPLATTING OF DISPOSAL LOTS 17 AND 19 OF UNIT ONE CRP-NC R-13

3. Consideration was given to the replatting of disposal lots 17 and 19 of Unit One CRP-NC R-13.

Mr. Wilbur King, Director of the Housing Authority, advised Council that the plat had the recommendations of the Planning and Zoning Commission, the Director of Public Services and the Corporation Counsel since it was in compliance with all applicable city codes and ordinances.

Councilman Morris moved for the approval of the plat which was seconded by Councilman Colton and carried unanimously.

RESOLUTION NO. 74-98 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE A TIMBER SALE CONTRACT AMENDMENT FOR SALE #7 WITH GENNETT LUMBER COMPANY

4. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute a timber sale contract amendment for Sale #7 with Gennett Lumber Company.

The City Manager read the resolution and explained that the Timber Contract under consideration was a continuation of the original North Fork Timber Sales. He said that this represented Sale No. 7 and the proposal was prepared by the City's consultant forester, Mr. Cleavy Hathaway.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Horton, Resolution No. 74-98 was unanimously adopted.

Complete text of Resolution No. 74-98 will be found in Resolution Book No. _____ at page _____.

RESOLUTION NO. 74-99 - RESOLUTION APPROVING THE SUBMISSION OF THE WORKABLE PROGRAM RECERTIFICATION

5. Consideration was given to a resolution approving the submission of the Workable Program Recertification.

The City Manager read the resolution.

Mr. Michalove explained that the Workable Program was a comprehensive evaluation of the last two years activities and accomplishments and the projected objectives of the next two years as it refers to codes and code enforcement; planning and programming; housing and relocation; and citizen participation. He said the program was the work of a number of individuals and now needed Council's approval.

Upon motion of Councilman Colton, seconded by Vice-Mayor Marshall, Resolution No. 74-99 was unanimously adopted.

Complete text of Resolution No. 74-99 will be found in Resolution Book No. _____ at page _____.

RESOLUTION NO. 74-100 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE PITOMETER ASSOCIATES' PROPOSAL FOR A WATER WASTE SURVEY ON THE WATER WORKS SYSTEM OF THE CITY OF ASHEVILLE

6. Consideration was given to a resolution authorizing the City Manager to accept the Pitometer Associates' proposal for a water waste survey on the water works system of the City of Asheville.

CITY OF ASHEVILLE

ASHEVILLE, NORTH CAROLINA

July 16, 1974

OFFICE OF
CITY CLERK

Mr. Robert D. Lewis
District Attorney
Post Office Box 7158
Asheville, North Carolina 28807

Dear Mr. Lewis:

At the regular meeting of the Asheville City Council held on July 11, 1974, a group of concerned citizens who reside in the vicinity of the Office Lounge, located on Merrimon Avenue, appeared before Council and presented a petition protesting the nuisance being created by the patrons of this establishment. For your information I am enclosing copies of this petition.

I am sure you are familiar with the circumstances involved, as during the discussion it was brought out that your office had been contacted and was cooperating with the residents of the area in the filing of affidavits regarding the activities taking place in and around this place of business.

At the conclusion of the discussion I was directed by Council to write you expressing their concern over the conditions now existing and to request that you continue to press your investigation to the end that the situation will either be greatly improved or permanently eliminated.

Sincerely yours,

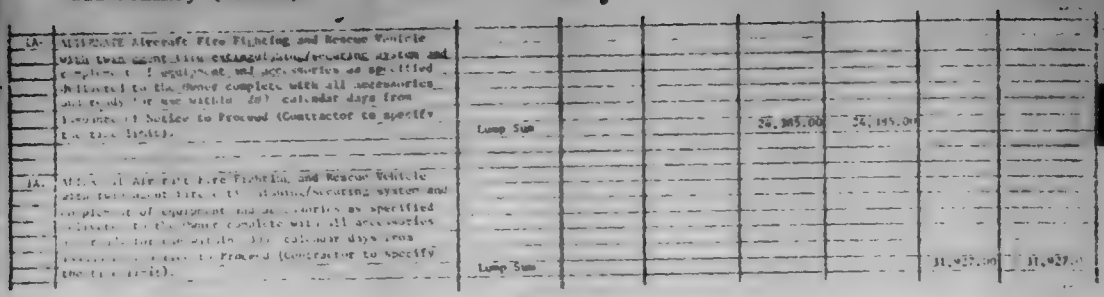
William F. Wolcott, Jr.
City Clerk

WFWJr/cah

Enclosure

ALL ASHEVILLE LIVING

Bid Summary (cont'd)



8. Consideration was given to a resolution authorizing the Mayor to execute right of way encroachment agreement with the North Carolina State Board of Transportation for water line crossing S. R. 3526 and extending along and crossing S. R. 1356.

The City Manager read the resolution and explained that this was a right of way agreement with the N. C. Department of Transportation to encroach on their right of way for the purpose of extending a water line along a road in the vicinity of the airport.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, Resolution No. 74-101 was unanimously adopted.

Complete text of Resolution No. 74-101 will be found in Resolution Book No. _____ at page _____.

9. Consideration was given to a resolution authorizing the Mayor to execute right-of-way encroachment agreement with the North Carolina State Board of Transporation for water line crossing U. S. 25 (Hendersonville Road).

The City Manager read the resolution and explained that this was a right of way agreement with the N. C. Department of Transportation for a 6" crossing under U. S. 25 (Hendersonville Road).

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 74-102 was unanimously adopted.

Complete text of Resolution No. 74-102 will be found in Resolution Book No. _____ at page _____.

RESOLUTION NO. 74-103 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH MR. CARLYLE E. SNUFFER, CONCERNING A 6-INCH WATER LINE REDUCING TO A 2-INCH WATER LINE ON CAPTAIN'S DRIVE TO SERVE HIS SUBDIVISION, LOWER HOMINY TOWNSHIP, BUNCOMBE COUNTY

10. Consideration was given to a resolution authorizing the Mayor to enter into agreement with Carlyle E. Snuffer concerning a 6-inch water line reducing to a 2-inch water line on Captain's Drive to serve his subdivision, Lower Hominy Township, Buncombe County.

The City Manager presented the resolution and explained that for a number of years the City has been concerned over the difference in the amount of water being sent through the water system from the North Fork Reservoir and the amount of water being metered for sale. He said that the proposed survey would give an accurate measurement of the flows in each district and would detect excessive leaks and unauthorized use of unmetered water. He said the survey would cost $79,000.00. Council was concerned that the proposal did not include a completion date and it was concluded that it should not extend beyond six months.

Councilman Morris moved for the adoption of the resolution with the provision that a completion date of six months be added to the proposal. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Complete text of Resolution No. 74-100 will be found in Resolution Book No. _____ at page _____.

BIDS - ASHEVILLE AIRPORT CRASH, FIRE AND RESCUE TRUCK WITH AUXILLIARY EQUIPMENT

7. Consideration was given to bids received June 11, 1974 for the Asheville Airport Crash, Fire and Rescue Truck with auxilliary equipment.

The City Manager read a memorandum from Mr. George Phipps, Purchasing Agent, who stated that no bids were received on Bid Item 1 in which a delivery date of 180 days was specified. However, three bids were received on Bid Item 1-A Alternate which was the same as "Base Bid except that the delivery date ranged from 280-300 days. He recommended the award of contract to the low bidder, Southeastern Safety Appliance, Inc. in the amount of $24,240.00. He said this was well within the budget and the City would pay 18% and the FAA 82%. Gary Taylor, Director of Aviation, and Talbert, Cox and Associates, the City's Airport Consultants, concurred with Mr. Phipp's recommendation.

In answer to Council's questions, Mr. Phipps advised that Southeastern Safety Appliance had indicated they would use a Dodge Chassis, locally serviced by Dorato Motors; Dynac would use a Ford Chassis serviced by Boyce-Ford Motors; and Fire Control Enginnering would use an International Chassis serviced by the local International dealer. Mr. Taylor assured Council that the auxilliary equipment could be serviced locally.

Councilman Morris moved to award the contract to the low bidder, Southeastern Safety Appliance, Inc. in the amount of $24,240.00. This motion was seconded by Vice-Mayor Marshall. On a roll call vote of 5-1, the motion carried, with Councilman Ochsenreiter voted "no".

Bid Summary

TABULATION OF BIDS

BIDS RECEIVED 11:00 A.M., Tuesday, June 11, 1974 F.A.A. PROJECT NO. ADAP 9-37-0005-01

ASHEVILLE AIRPORT CRASH, FIRE AND RESCUE TRUCK WITH AUXILLIARY EQUIPMENT

SCHEDULE OF QUANTITES			BID PROPOSAL					
			Chamblee, Ga. SOUTHEASTERN SAFETY APPLIANCES, INC.		Burbank, Calif. DYNAC CORPORATION		Fort Worth, Texas [illegible]	
ITEM NO.	ITEM	QUANTITY & UNIT	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1.	All-rift fire fighting and Rescue Vehicle with twin [illegible] fire extinguishing/securing system and complement of [illegible] equipment and accessories as specified delivered to the [illegible] complete with all accessories and ready for use within [illegible] calendar days from issuance of the Notice to Proceed.	Lump Sum	No BID		No BID		No BID	
1A.	All Rift Air Rift Fire Fighting and Rescue Vehicle with twin [illegible] fire extinguishing/securing system and complement of equipment and accessories as specified [illegible] complete with all accessories and ready for use within [illegible] calendar days from issuance of Notice to Proceed (Contractor to specify [illegible])	Lump Sum	$24,240.00	$24,240.00				

Asheville, North Carolina
July 18, 1974

THE ASHEVILLE CITY COUNCIL. . . .

We the Asheville chapter of the National Association for the Advancement of Colored People (NAACP) serving the community of Asheville and Buncombe County, surrounding counties, statewide and nationwide, come before you at this time for the following reasons:

Being concerned of all citizens, especially the minority groups, our feelings are very strong against the conduct and attitude of our city officers who are to up hold law and order therein.

Being informed of several incidents and particular two of such incidents recently, where officers of our law enforcement not only been hostile in their conduct but down right brutal, causes us to take action.

Whereas, we believe in law and order, justice for all men, we cannot tolerate the brutal conduct of your officers which is totaly uncalled for.

Having such evidence before us today on some of the officers, we therefore ask that proper action be taken to assure all citizens that he or she will not have to be afraid of being beaten or perhaps killed by law officers, that they are for the protecion of all people.

We furthermore ask due to the evidence brought before us concerning three such officers that not only they be suspended for an indefinite period but that they be entirely dismissed from the force for ther is no place for people of such character whose mind and heart is filled with such hatred they would stop short ofn nothing or obey rules and regulations, but to brutalize and be murders of innocent victims.

Therefore, the Asheville Chapter of N A A C P formerly petition that those officers whose names are named on these affidavits be totaly discharged of their duties with the AshevillePolice Department - City of Asheville.
State of North Carolina

Mrs. Grace B. Finley
President

The City Manager read the resolution.

Upon motion of Councilman Hoyle, seconded by Councilman Horton, Resolution No. 74-103 was unanimously adopted,

Complete text of Resolution No. 74-103 will be found in Resolution Book No. _____ at page _____.

REZONING REQUEST TO REZONE LOTS 27 AND 28, WARD 9, SHEET 7 (#12 LONG STREET) FROM RA-6 RESIDENTIAL TO NEIGHBORHOOD TRADING AREA

11. Consideration was given to a request of Dr. and Mrs. Rodolfo Valencia to rezone Lots 27 and 28, Ward 9, Sheet 7 (#12 Long Street) from RA-6 Residential to Neighborhood Trading Area.

By letter, Dr. and Mrs. Valencia authorized Mr. Fred Pearlman to act in their behalf.

The City Manager read a letter from the Planning and Zoning Commission who advised that they had studied the request and recommended approval.

Councilman Ochsenreiter moved that a public hearing on the matter be scheduled for August 8, 1974 and that the legal notice be published at the petitioners expense. This motion was seconded by Councilman Hoyle and carried unanimously.

COUNCILMAN HORTON REQUESTS TRAFFIC STUDY

Councilman Horton called to Council's attention a traffic problem existing at the intersection of Lanvale Avenue, Sulphur Springs Road and Haywood Road. He said that vehicles approaching this intersection have a tendency to creep out too far before coming to a stop. He said this made it difficult for traffic to turn into Lanvale Avenue or Sulphur Springs Road. He requested a brief study for a possible solution by the Traffic Engineer. Mayor Wood instructed the City Manager to have the Traffic Engineer look into the matter.

COMPLAINT OF MRS. ALTON GLENN - 7 CHATHAM ROAD

Mrs. Alton Glenn, 7 Chatham Road, complained of rats and snakes in the area of an old house located on Chatham Road and belonging to a Mr. Brightbart. She said the house should be condemned, torn down and the property cleaned up. Mayor Wood instructed the City Manager to have it investigated.

PETITION OF MRS. GRACE B. DORN, PRESIDENT OF ASHEVILLE CHAPTER NAACP

Mrs. Grace B. Dorn, President of the Asheville Chapter NAACP, appeared before Council and read the following petition and presented six affidavits to substantiate her statement. Mayor Wood instructed the City Clerk to let the minutes reflect the statement and the affidavits.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE
CITY OF ASHEVILLE

AFFIDAVIT

Louis Muckelvene
14 Thurland Ave.
Asheville, North Carolina
Phone: 253-3773

RE: THE ARRESTED FIRST TIME WITH NORTH CAROLINA AND CITY

That I and Gary Muckelvene were working on a job at the Reynolmear Stock Farm on Tunnel Road. We had a wall almost near the top except for eighteen inches when officer Ingle came inside the building where I was working and came up to me and I told him Louis Muckelvene. Then he went on outside and got Gary his name and he told him.

Then Ingle went up to the scaffold with his gun pulled and told Gary he would blow his damn head be[illegible] over the wall. I then came off scaffold on the outside and saw Ingle holding Gary with gun on him and he told the other officer to hit him. The officer hit him twice. He also tried to hit me, I ran on the ground and placed hand cuffs. After he was handcuffed, officer Ingle grabbed him by the hair, put him in the car and mounted, got in the car you A. C. B., you're under arrest.

I hereby certify that the information stated above is accurate to the best of my knowledge.

Louis Muckelvene
Louis Muckelvene

Personally appeared before me, Louis Muckelvene this 17th day of July, 1974.

Grace B. Sim
Notary Public

NO COMMISSION EXPIRES
5/15/75

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE
CITY OF ASHEVILLE

AFFIDAVIT

Larry Young
50 Morrimon Ave.
Asheville, N. C.
Phone: 254-0129

THE UNDERSIGNED FIRST BEING DULY SWORN DEPOSES AND SAYS:

I was returning from the service station where I had gone to use the rest room and saw two officers out where Gary was working. I heard the officer ask Gary his name and he told them Gary Muckelvene. That he did know Bobby Robinson but he was not working on this job. The officer then told Gary to come down and Gary told them he would not since he had no warrant for him. The officer then smacked me on the arm, told me to get back, that I had nothing to do with this.

I then went inside to tell Louis. When I got back the officer already had Gary on the ground and was hitting him. The officer then handcuffed him while on the ground, picked him up by his hair and put him in the car.

I hereby certify that the information stated above is accurate to the best of my knowledge.

Larry Young
Larry Young

Personally appeared before me, Larry Young this 18th day of July, 1974.

Grace D. Dees
Notary Public

MY COMMISSION EXPIRES:
5/25/75

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE
CITY OF ASHEVILLE

AFFIDAVIT

Mrs. Dora White
10-3 Lee Walker Hgts.
Asheville, N. C. 28801
Phone: 253-4620

THE UNDERSIGNED FIRST BEING DULY SWORN DEPOSES AND SAYS:

That on or about 10:00 a. m. on May 19, 1974, I took my grandchildren in two cars to go to Rec. Park, City of Asheville for a cook-out. In the car which I was riding had all the boys and James Booker was driving. Mr. Fox was driving the second car with the girls and his wife Cherrill Fox.

Enroute to the park we used the River Road and traveling there on when we saw a road block (police check point). Booker, prior to reaching check point pulled over and got out and requested someone else to drive. Mrs. Fox came over and took the car and we proceeded to the check point where we were stopped. The two officers took Booker out of the car and placed him under arrest. They took Booker to jail and we canceled our picnic. I went home to get some money to get Booker out.

We arrived at the courthouse around 10:45 a. m. and went into the magistrate office to inquire about making bond. Upon reaching the magistrate's office, officer Ingle asked whose car was it and I told him it was mine. Then he said he was going to arrest me for allowing an unlicensed person to drive the car. Then officer Kyle took one of my arms and twisted it and officer Ingle took the other arm and began twisting it. I began to holler because of the pain and they placed handcuffs on me from the rear. Then officer Ingle grabbed me by the hair, threw me on the floor and got on top with his knees while still pulling my hair. When I struck the floor, something popped in my abdomen causing severe pain. I begged the officer to get me up for I was lying face down and handcuffed behind me. Then officer Ingle jerked me up, set me in a chair where I stayed until he executed a warrant and had it served. We called a medic and had him to look at me.

I hereby certify that the information stated above is accurate to the best of my knowledge.

Mrs Dora Lee White
Mrs. Dora White

Personally appeared before me, Dora Lee White this 12th day of July, 1974.

Emma B. Gass
Notary Public

MY COMMISSION EXPIRES:
5/25/75

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE
CITY OF ASHEVILLE

AFFIDAVIT

Gary Muckelvene
7 Norfolk Street
Asheville, N. C. 28803
Phone: 253-9777

THE UNDERSIGNED FIRST BEING DULY SWORN DEPOSES AND SAYS:

I was working at the Mountaineer Steak House as a stone mason. I was up on a five feet scaffold. The officer drove up, got out of his car and walked up and asked me for Bobby Robinson. I told the officer that Bobby Robinson did not work there. I told him that this was Gary and Louis Muckelvene's son. He then went inside the steak house and stayed about a minute, came out and went to his cruiser and talked on his radio.

A few minutes later another cruiser came. They both came to me and officer Ingle said, did you say you are not Bobby Robinson? I said, "I am Gary Muckelvene. If you want to know anything else, go inside and ask Chris the man who owns the place. He said let me see your I. D. I restated what I had just said and started back to work. I picked up my hammer and turned away from him and started chipping my rock. He became furious and drew his gun and pointed it at me and said you S.O.B. you have assaulted me. I was scared I would get shot by the way he was acting. I laid the hammer down and started off the scaffold when he grab me in the collar and snatched me down to the ground and stuck the gun under my chin and said, you smart black s.o.b. I'll blow your brains out. He grabed my hair and began shaking me and I grabbed his arm. He then told officer Rodenhamer to hit the black s.o.b. He hit me over the right eye with a black jack. Ingle said, hit the black s.o.b again. Rodenhamer hit me two more times. I was handcuffed, carried to Mission Hospital to be treated where several stitches were required.

I hereby certify that the information stated above is accurate to the best of my knowledge.

Gary Muckelvene
Gary Muckelvene

Personally appeared before me, Gary Muckelvene this 17th day of July, 1974.

Grace B. Dunn
Notary Public

MY COMMISSION EXPIRES:
5/25/75

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE
CITY OF ASHEVILLE

AFFIDAVIT

Mrs. Lola Miller
5-D Mountainside Apt.
Asheville, N. C. 28801
Phone: _____

THE UNDERSIGNED FIRST BEING DULY SWORN DEPOSES AND SAYS:

On Sunday, May 19, 1974. My brother, Richard and I left home together to go to courthouse to see about our mother, Mrs. White. Upon arrival at courthouse, I saw the officer twisting my mother's arms for no apparent reason and commented that I was going to call some body to see if I couldn't get something done about their attitude and conduct.

I left the courtroom and as I was going across lawn to the car, I heard officer Ayle shout, stop or I will shoot but I kept on to the car. When I got to the car, I asked Mr. Fox for 10¢ to make a phone call. By that time, officer Ayle had gotten to the car and said he was going to place me under arrest for obstruction an officer. By that time another officer had arrived and Ayle requested the other officer to mace me and I advised him not to for I had a heart condition. The officer refused to mace me. Then Ayle threaten to handcuff me. I told them that would not be necessary for I would willingly go. Enroute to courthouse from car, he shoved me and that when Richard made his comment for which he was placed under arrest.

They called a medic and he checked me and suggested they take me to the hospital to be checked.

I hereby certify that the information stated above is accurate to the best of my knowledge.

Mrs. Lola Miller

Personally appeared before me, Mrs. Lola Miller this 12th day of July, 1974.

Notary Public

MY COMMISSION EXPIRES:
5/25/75

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE
CITY OF ASHEVILLE

AFFIDAVIT

Richard White
6-F Mountainside Apt.
Asheville, N. C.
Phone 252-1191

THE UNDERSIGNED FIRST BEING DULY SWORN DEPOSES AND SAYS:

My mother called me sometime that morning. I met them at the courthouse about 10:45 a. m. As we entered the courthouse, I saw the officers coming around by the elevator and we proceeded into the magistrate's office. They questioned us about the identity of James Booker. I finally told them his name. Then the officer, Ingle said he was going to arrest my mother for allowing an unlicensed person to drive the car. My mother objected verbally for being arrested on such charges. Officer Ingle grabbed her arm, officer Lyle grabbed her other arm and began twisting. My sister, Lola Miller said she was going to call someone to complain about their conduct and attitude. She went out of the door to go to the car to get some change for a telephone call.

As she left the courthouse and started across the lawn to the car, officer Lyle came out, pulled out his gun and threatened to shoot her. When he came to the car took her by the arm to go back into the courthouse, I told her to go with him and not to create any disturbance and she did. While walking back to courthouse, I asked the officer why he threatened to shoot her, she was no criminal and had committed no criminal act. He stated at that time he was tired of me and that he could whip my god damn ass. He took me by the arm and I went with him to the courthouse where he attempted to get a warrant for assulting and obstruction an officer. The magistrate recommended a warrant for obstruction and he served it on me.

I hereby certify that the information stated above is accurate to the best of my knowledge.

Richard White
Richard White

Personally appeared before me, Richard White this 17th day of July, 1974.

Grace B. Sawyer
Notary Public

MY COMMISSION EXPIRES:
Feb 11 75

Thursday - July 25, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of the July 18, 1974 meeting.

Councilman Ochsenreiter requested that the minutes be corrected to show that he voted "no" on the motion to award a contract to Southeastern Safety Appliance Inc. for the Asheville Airport Crash Fire and Rescue Truck. Mayor Wood so instructed the City Clerk and it was noted. Councilman Morris then moved to approve the minutes as amended. This motion was seconded by Councilman Horton and it was carried unanimously.

PUBLIC HEARING - CLOSING OF HAWKINS LANE

2. A public hearing was held concerning the closing of a portion of Hawkins Lane.

Mayor Wood opened the public hearing at 3:05 o'clock p. m. The City Manager was instructed to read the notice to the public and the affidavit of publication setting the time and date for the public hearing.

Marvin Pope, attorney for the petitioners, spoke in support of the petition. He explained that the Temple Baptist Church planned to use the abandoned street to enlarge their parking area.

E. R. McCarthy questioned the advisability of the City releasing valuable property. He also questioned the City Attorney as to whether or not anyone could file a claim to an abandoned street.

Mayor Wood closed the public hearing at 3:13 o'clock p. m. and requested the City Manager to read the prepared resolution and order closing the street.

Councilman Colton then moved for the adoption of the resolution, which was seconded by Councilman Hoyle and carried unanimously.

Complete text of Resolution No. 74-104 will be found in Resolution Book No. 7 at page 291.

PUBLIC HEARING - CLOSING OF UNNAMED ALLEY OFF LAKESHORE DRIVE

3. A public hearing was held concerning the closing of an unnamed alley off Lakeshore Drive.

Mayor Wood opened the public hearing at 3:19 o'clock p. m. He requested the City Manager to read the notice to the public and affidavit of publication setting the time and date for the public hearing.

Mayor Wood thanked Mrs. Dorn and referred the entire matter to the City Manager for action.

Adjournment.

Richard A. Wood, Jr.
MAYOR

Marian F. Holcomb, Dy
CITY CLERK

REPORT OF CITY MANAGER - COMPLAINT OF MRS. BRITT - RATS ON CHATHAM ROAD

The City Manager reported on a complaint of Mrs. Britt at last week's meeting relative to rats on Chatham Road coming from the creek. He said this had been referred to the Department of Public Safety, who in turn was conferring with the Buncombe County Health Department relative to this matter. He said Mrs. Britt had also complained about a house on a corner lot belonging to Mr. Brightbart and that this complaint had been referred to Mr. King, attorney in the Housing Division, who is taking the necessary proceedings in this matter.

REPORT OF CITY MANAGER - INFORMATION AND AFFIDAVITS RECEIVED FROM NAACP

The City Manager reported that relative to the information and affidavits received at last weeks meeting that this was being investigated and statements from some of the people involved had been received and others were being prepared. He said the investigation was continuing and he would keep Council informed of the progress in the matter. He said the City Attorney had advised that no announcement should be made that might interfere with legal proceedings now pending.

REZONING PETITION - WARD 6, SHEET 15, LOTS 7 AND 8 - CORA JENNINGS

The City Manager presented a rezoning petition from Cora Jennings requesting that Ward 6, Sheet 15, Lots 7 and 8 be rezoned from RA-6 to Neighborhood Trading Area.

In the absence of any objections from members of Council, Mayor Wood referred the petition to the Planning and Zoning Commission for study and recommendation.

RESOLUTION OF THE MODEL CITIES COMMISSION RECOMMENDING THAT MODEL CITIES EMPLOYMENT SERVICES PROGRAM EMPLOYEES BE GIVEN CITY CIVIL SERVICE STATUS

The City Manager read a resolution passed by the Model Cities Commission.

Mayor Wood noted that this resolution was accepted as information to Council and commented that the Manpower Program began as a delegate agency. He said Council did grant Civil Service Status to the Administrative staff of the Model Cities Agency after one years employment. He said he felt this would be an extension of the former resolution which would grant civil service status to a group which had been conducting an operating program as opposed to administrative personnel. He said this would be a change in the intent and would require a resolution from Council. He said any member of Council could ask that a resolution be prepared which would grant these employees Civil Service Status.

RESOLUTION NO. 74-106 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE CIVIL PREPAREDNESS AGREEMENT WITH COUNTY OF BUNCOMBE, BILTMORE FOREST, BLACK MOUNTAIN, MONTREAT, WEAVERVILLE, AND WOODFIN

Consideration was given to a resolution authorizing the Mayor to execute Civil Preparedness Agreement with County of Buncombe, Biltmore Forest, Black Mountain, Montreat, Weaverville, and Woodfin.

The City Manager read the resolution and explained that this was an updating of a former agreement. He said the changes in the agreement were the addition of the Town of Montreat and Woodfin; changing the name of the organization from Civil Defense to Civil Preparedness; changing the name of the Director to Coordinator, and

Mr. Robert Long, attorney for the petitioners Webb Ellis and Mrs. Alice Laubach, spoke in favor of the petition and explained that the petitioners were the sole owners of all property abutting on the alley.

E. R. McCarthy questioned whether the several recent street closings were being properly recorded in the Register of Deeds Office and also whether the Board of Tax Supervision was being advised so that the extra square footage could be added to the tax valuation of the respective properties.

No one spoke in opposition to the closing.

Mayor Wood closed the public hearing at 3:25 o'clock p. m.

The City Manager was requested to read the prepared resolution and order closing the alley.

Councilman Ochsenreiter moved for the adoption of the resolution which was seconded by Councilman Hoyle and carried unanimously.

Mayor Wood instructed the City Clerk to make it a practice to notify the Board of Tax Supervision of any alley or street closings.

Complete text of Resolution No. 74-105 will be found in Resolution Book No. 7 at page 293.

APPROVAL OF CHANGE ORDER FOR ASHEVILLE CIVIC CENTER

4. Consideration was given to the approval of change orders for the Plumbing and Heating and Air Conditioning Contracts for the Asheville Civic Center.

Council was advised that Change Order HAC-10 to the Heating and Air Conditioning Contract in the amount of $3,199.59 was approved and requested by the architects and was required due to unforeseen job conditions. That Change Order P-8 to the Plumbing Contract in the amount of $3,732.49 was also approved and requested by the architects and similarly was due to job conditions which have arisen during construction.

Vice-Mayor Marshall moved to approve both change orders and to authorize the Mayor to execute them in the name of the City. Councilman Horton seconded this motion and it was carried unanimously.

REPORT OF CITY MANAGER - TRAFFIC AT INTERSECTION OF SULPHUR SPRINGS ROAD, LANVALE AVENUE AND HAYWOOD ROAD

The City Manager reported on a request made by Councilman Horton at last week's meeting that the Traffic Engineer and a representative of the Department of Transportation study the intersection of Sulphur Springs Road, Lanvale Avenue and Haywood Road relative to traffic conditions. He said a study had been made and had resulted in a stop bar and short center line being placed on Sulphur Springs Road. He said he hoped this would deter buses and other vehicles from blocking access to Lanvale Avenue.

It was the consensus of Council that there was nothing further they could do to support the application and keep the program intact but at this time they would not reallocate the Model Cities funds set aside to match the ARC grant.

MRS ROGERS - MASS TRANSIT PROGRAM - WATER LEAK BLANTON STREET

Mrs. Rogers asked Council about the status of Model Cities Mass Transit Program.

Mr. Michalove explained that $50,000 had been appropriated by City Council and that the program needs to be approved by HUD. It is undetermined at this time when this approval will be forthcoming.

Mrs. Rogers also reported a water leak in the street in front of her house on Blanton Street and asked for action in making the repairs.

Adjournment.

Richard A. Wood Sr.
MAYOR

William F. Malcolm, Jr.
CITY CLERK

the agreement spells out the duties of the Coordinator. He said all other communities listed had passed a similar resolution except Asheville.

Upon motion of Councilman Horton, seconded by Councilman Ochsenreiter, Resolution No. 74-106 was unanimously adopted.

Complete text of Resolution No. 74-106 will be found in Resolution Book No. 7 at page 295.

PROGRESS REPORT ON STATUS OF CONSOLIDATED HEALTH PROGRAM

Mayor Wood reported that there had been no new developments regarding the approval of the application for funds from the Appalachia Regional Commission in order to continue the Consolidated Health Program. He said that a telegram supporting the application had been sent to Governor Holshouser and he instructed the City Clerk to include the text of this telegram in the minutes of the meeting.

The following is the text of the telegram:

Honorable Jim Holshouser
Raleigh, N. C.

For the past three years the City of Asheville has financially supported an experimental project in providing basic health care through a neighborhood service center in the Model Cities Area. The amount of funds to support the program is in excess of $760,000. The City Council felt that this project is a prelude to the type of service that is being considered nationally and that which has been given high priority consideration by the State of North Carolina. On June 27, 1974 the City Council allocated $57,325 to match an Appalachia Regional Commission grant in an effort to keep the project going and as of July 11, 1974 after various news releases we were under the impression that the Appalachis Regional Commission had provided thirty day emergency funding to the Project in order for additional information to be developed locally and sent to the Commission based on developments in recent days we are concerned about the current status of the Project and assurance of continuous funding and would appreciate your personal review of this status of the project and your support in continuing this needed health care to some 1,600 residents of the City of Asheville.

Richard A. Wood, Jr.
Mayor

William Jones, Director of the Program, told Council that services for approximately 1,600 patients would end Friday, July 26; and that the program was being phased out. He said that there had been no final word but he was not optimistic that the status would change.

Jim Gray, Editor of Labor Advocate and former Model Cities employee, said he felt that the Consolidated Health Program was one of the few Model Cities Programs that was beneficial to the community. He said he was writing an article for his paper stating his concern over the disapproval of the application by ARC.

E. R. McCarthy spoke in opposition to the program and stated that it was discriminatory in that it was not available to all taxpayers.

Mayor Wood explained that this was a city-wide program and all taxpayers were eligible for the service.

The City Manager read the resolution and explained that this was the last of four increases proposed by Hazen and Sawyer, Engineers relative to industrial consumers who consume in excess of three million gallons per month and increases the commercial rate from 16-1/2¢ per thousand to 20¢ per thousand and it affects eleven industrial customers. He said the anticipated revenues from this increase would be in the 1974-75 budget at $17,444.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Ochsenreiter, Resolution No. 74-108 was unanimously adopted.

Complete text of Resolution No. 74-107 will be found in Resolution Book No. 7 at page 296.

RESOLUTION NO. 74-108 - RESOLUTION TO PURCHASE QUADRANGLE MAPS OF BUNCOMBE COUNTY

4. Consideration was given to a resolution to purchase quadrangle maps of Buncombe County.

The City Manager read the resolution.

Mr. Michalove, Assistant City Manager, explained that the work program under a HUD contract with the Metropolitan Planning Board called for about eleven items to be completed by September 30, 1974. He said it was determined that these items could not be completed based on administrative changes made in the last few months. He said a meeting with the County and the State, who will be doing the planning for the County, was held to determine the best use of some $14,000 remaining in the contract. He said it was mutually agreed that the purchase of a set of planimetric and topographical maps from TVA would be the wisest use of the money, for both the City and the County.

Upon motion of Councilman Morris, seconded by Councilman Horton, Resolution No. 74-108 was unanimously adopted.

Complete text of Resolution No. 74-108 will be found in Resolution Book No. 7 at page 297.

RESOLUTION NO. 74-109 - RESOLUTION RESCINDING RESOLUTION NO. 74-85 AND APPROVING MODEL CITIES BUDGETS AND PROJECT ACTIVITIES FROM JUNE 1, 1974 THROUGH JUNE 30, 1975

5. Consideration was given to a resolution rescinding Resolution No. 74-85 and approving Model Cities Budgets and Project Activities from June 1, 1974 through June 30, 1975.

The City Manager read the resolution.

Mayor Wood noted that the resolution stated that the operating agency for the Meals on Wheels Program was the Model Cities Agency and should be the Buncombe County County on Aging. This change was substituted.

Mrs. Adelade Goodman inquired as to the status of the Service Coordinator's job at the Senior Opportunities Project.

Mayor Wood advised her that the resolution provided for the Service Coordinator's job on a half-time basis.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of the July 25, 1974 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle the minutes of the July 25, 1974 meeting were approved as submitted.

PUBLIC HEARING - EROSION CONTROL ORDINANCE

ORDINANCE NO. 813 - CITY OF ASHEVILLE EROSION CONTROL ORDINANCE

2. A public hearing was held to consider the adoption of an Erosion Control Ordinance.

Mayor Wood opened the public hearing at 3:01 o'clock p. m.

The City Manager read the notice to the public and affidavit setting the time and date for the public hearing.

J. E. Johnson, Chief Building Inspector, explained that the purpose of the ordinance was to prohibit the uncovering of earth and ground and would update the present excavation and filling ordinance. He said if the ordinance was passed a development permit would be required by the Division of Inspections and Demolitions before any grading is begun on any property unless exempted by the ordinance.

Mayor Wood suggested that a repealing clause of conflicting ordinances be added before the second reading.

Mayor Wood closed the public hearing at 3:18 o'clock p. m.

The City Manager and Assistant City Manager read the ordinance.

Councilman Colton moved for the adoption of the ordinance. This motion was seconded by Councilman Ochsenreiter.

On a roll call vote of 6-0, Ordinance No. 813 passed on its first reading.

RESOLUTION NO. 74-107 - RESOLUTION ESTABLISHING WATER RATES FOR ALL INDUSTRIAL CONSUMERS OF THE CITY OF ASHEVILLE WATER DEPARTMENT WITH THE EXCEPTION OF GERBER PRODUCTS COMPANY

3. Consideration was given to a resolution establishing water rates for all industrial consumers of the City of Asheville Water Department with the exception of Gerber Products Company.

RESOLUTION NO. 74-110 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE LEASE AGREEMENT FOR THE USE OF THE ATHLETIC FIELD AT THE INTERSECTION OF NEW HAW CREEK AND BELL ROADS. (EAST ASHEVILLE YOUTH ACTIVITIES, INC.)

7. Consideration was given to a resolution authorizing the Mayor to execute lease agreement for the use of the athletic field at the intersection of New Haw Creek and Bell Roads. (East Asheville Youth Activities, Inc.)

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 74-110 was unanimously adopted.

Complete text of Resolution No. 74-110 will be found in Resolution Book No. 7 at page 301.

RESOLUTION NO. 74-111 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH BUDGET LUXURY INNS OF ASHEPORT, INC. CONCERNING AN 8-INCH WATER LINE ON SR 1356 TO SERVE DAYS INN AND TASTY WORLD PROJECT, HENDERSON COUNTY

8. Consideration was given to a resolution authorizing the Mayor to enter into agreement with Budget Luxury Inns of Asheport, Inc. concerning an 8-inch water line on SR 1356 to serve Days Inn and Tasty World Project, Henderson County.

The City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, Resolution No. 74-111 was unanimously adopted

Complete text of Resolution No. 74-111 will be found in Resolution Book No. 7 at page 302.

REZONING PETITION - PROPERTY ON HIGHWAY NC 81

The City Manager called on Verl Emrick, Division of Planning, to present a rezoning petition. Mr. Emrick stated that on July 11 Council had referred a rezoning request to the Planning and Zoning Commission from Perry Alexander and others. He said that in reviewing this petition it was determined that to grant this would create a spot zoning. He said Mr. Alexander was notified of this at which time Mr. Alexander withdrew his original petition and submitted a revised petition which included other properties that would eliminate the spot zoning. This new petition was now being presented for Council's consideration. He said the petitioner was requesting the rezoning of certain lots from Neighborhood Trading Area and Roadside Business to Commercial.

Mayor Wood accepted the revised petition and referred it to the Planning and Zoning Commission for study and recommendation.

PROCLAMATION - DRUM MAJORETTES WEEK OF AMERICA - AUGUST 5 - 10

Mayor Wood proclaimed the week of August 5th through the 10th as Drum Majorettes Week of America

Mrs. Rose Hawkins, Mrs. Roy Rogers, and Mrs. Katie Black all appealed to Council to keep Mr. Miller, Service Coordinator at the Senior Opportunities Center, on a full-time basis.

Mr. Delany, Executive Director of the Model Cities Agency, suggested that money from the Livingston Street Neighborhood Facility could be used to supplement the Service Coordinator's salary on a full time basis if Council wish to do so. He said it was his opinion that the funds appropriated for the Livingston Street Neighborhood Facility would not be needed until later in the year and there was a possibility that the money could be put back into this project if more funds became available. He made other suggestions for supplementing the salary, such as funds from the Teacher Aide Project if Title I funds become available for use in that program; also funds appropriated for the Consolidated Health Program may not be used if the Appalachia grant is not approved.

Upon questioning of Councilman Horton, Mr. Delany said he felt it would be a good move to reprogram the funds and supplement the Service Coordinator's job full time.

Councilman Horton suggested that the resolution be changed in order to fund the job on a full time basis using the Livingston Street Neighborhood Facility funds to supplement his salary.

Councilman Ochsenreiter moved for the adoption of the resolution and the reprogramming of the funds by increasing the Senior Opportunities Project budget from $76,956 to $80,818 and by decreasing the Livingston Street Neighborhood Facility budget from $4,176 to $314.00. Thus supplementing the salary of the Service Coordinator at the Senior Opportunity Center on a full time basis. It being understood that in the event Mr. Miller, the Service Coordinator, obtains a job with the Buncombe County Department of Social Services under the Title III program for the Aged, this position would be deleted. This motion was seconded by Councilman Horton and carried unanimously.

Complete text of Resolution No. 74-109 will be found in Resolution Book No. 7 at page 298.

APPROVAL OF SALE OF DISPOSAL PARCELS 24-RA AND 1A OF THE CIVIC REDEVELOPMENT PROJECT N. C. R-13

6. Consideration was given to approving the sale of Disposal Parcels 24-RA and 1A of the Civic Redevelopment Project N. C. R-13 to the North Carolina Department of Transportation.

Mr. W. C. King, Acting Executive Director of the Housing Authority explained that parcel 24-RA for sale to the North Carolina Department of Transportation, located between the proposed Charlotte Street ramp and the Expressway is valued at $36,576. He said that Parcel 1A located between the now existing Poplar Street and a new access to the Tunnel is valued at $22,000. This parcel, he said, is also being purchased by the Department of Transportation.

Councilman Morris moved to approve the sale of Disposal Parcels 24-RA and 1A of the Civic Redevelopment Project N. C. R-13 to the North Carolina Department of Transportation. This motion was seconded by Councilman Hoyle and carried unanimously.

Thursday - August 8, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel William C. Moore, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: City Manager Ernest J. Ward

1. Approval of minutes of the August 1, 1974 meeting.

Upon motion of Councilman Hoyle, seconded by Councilman Horton, the minutes of the August 1, 1974 meeting were approved as submitted.

PUBLIC HEARING - REZONING OF 12 LONG STREET - FRED PEARLMAN

2. A public hearing was held relative to rezoning property at 12 Long Street from RA-6 Residential District to Neighborhood Trading Area. The rezoning was requested by Mr. Fred Pearlman.

Mayor Wood opened the public hearing at 3:03 o'clock p. m.

The Assistant City Manager read the notice to the public and the affidavit of publication setting the time and date for the public hearing.

Mayor Wood called on Mr. Verl Emrick, Director of the Division of Planning, to review the request. Mr. Emrick advised Council that the Planning and Zoning Commission at their meeting of July 10, 1974 had voted unanimously to recommend to City Council that the request be approved and the property be rezoned to Neighborhood Trading Area. He gave the following reasons for the favorable recommendation:

(1) The lots in question are not presently being utilized for residential purposes and are not well suited for residential use due to the basic overall changes in the land use surrounding this property;
(2) Commercial uses abut these lots on two sides establishing contiguity;
(3) The proposed reuse of these lots will, in the staff's opinion, aid in alleviating the present parking problem now evident in the area; and
(4) The rezoning is in keeping with the proposed development plan for the area.

Mr. Emrick noted that at the Planning and Zoning Commission meeting protests were presented from the residents of the area relative to more traffic being placed on Long Street by rezoning this property. He said the Planning and Zoning staff recommended that "No Parking At Any Time" signs be erected on Long Street.

Mr. Fred Pearlman, petitioner, spoke in support of the rezoning stating that the residential uses in this area had declined over the past few years and that a commercial development was planned if the rezoning was granted.

Mr. Dick Webster, architect for the developer, spoke in support of the rezoning.

Mr. Piercy Carter spoke in opposition to the rezoning stating that he felt this would constitute spot zoning and would devaluate the residences in this area.

TVA'S INTEREST IN SOLID WASTE PROCESSING OPERATION - DISCUSSION

Councilman Horton stated that he had attended a meeting this past week regarding the TVA's interest in a solid waste processing operation which might be a worthwhile benefit to the City and County. He said another meeting was to be held on this matter in two or three weeks and he would like to request the City Manager to prepare a preliminary estimate on what this proposal might save the City in land fill operations and solid waste handling cost. He said he felt a better discussion could be held with TVA if these figures were available.

The City Manager advised that Mr. McHone, Superintendent of Sanitation, had already started preparing the figures.

Adjournment.

Richard D. Woodall
MAYOR

Miriam J. Malcolm
CITY CLERK

ORDINANCE NO. 815 - AN ORDINANCE TO REGULATE MASSAGE PARLORS AND HEALTH SALONS

5. Consideration was given to an ordinance to regulate massage parlors and health salons.

Mr. Moore, the Corporation Counsel, read the ordinance and explained that this ordinance was based on a Fayetteville ordinance. He said a case had recently been taken to the Court of Appeals and the North Carolina Supreme Court in which the conduct and activities of massage parlors were restricted by the use of an ordinance.

Upon questioning of Councilman Morris, Mr. Moore explained that businesses that have been regularly licensed for three years prior to the passage of the ordinance would not have to apply for an original license, however, they would have to comply with all other sections of the ordinance.

Councilman Horton suggested that the ordinance be changed in subsection (c)(1) Name and Address of Applicant to read "If such applicant be a corporation, the name or names and the address or addresses of such corporation and its officers." This change was noted.

Councilman Horton moved for the adoption of the ordinance with the effective date to be October 1, 1974. This motion was seconded by Councilman Ochsenreiter.

On a roll call vote of 6-0, Ordinance No. 815 passed on its first reading.

RESOLUTION NO. 74-112 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH AN ACTUARIAL CONSULTANT TO EVALUATE ALTERNATIVES FOR THE CITY'S PROPOSED EMPLOYEE'S RETIREMENT SYSTEM

6. Consideration was given to a resolution authorizing the City Manager to enter into an agreement with an actuarial consultant to evaluate alternatives for the City's proposed employee's retirement system.

The Assistant City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Vice-Mayor Marshall, Resolution No. 74-112 was unanimously adopted.

Complete text of Resolution No. 74-112 will be found in Resolution Book No. 7 at page 303.

RESOLUTION NO. 74-113 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH MR. ARNE THORSLAND CONCERNING A 6-INCH WATER LINE REDUCING TO A 2-INCH WATER LINE ON FOX HOLLOW COURT IN FOX HOLLOW DEVELOPMENT TO SERVE SAID DEVELOPMENT, LIMESTONE TOWNSHIP, BUNCOMBE COUNTY.

7. Consideration was given to a resolution authorizing the Mayor to enter into agreement with Mr. Arne Thorsland concerning a 6-inch water line reducing to a 2-inch water line on Fox Hollow Court in Fox Hollow Development to serve said development, Limestone Township, Buncombe County.

The Assistant City Manager read the resolution.

Mr. W. A. Goodson, owner of the property across Long Street from the property in question opposed the rezoning. He said the commercial development would detract tenants from his rental property.

Mr. Wayne M. Jones, 40 Lockley Avenue, opposed the rezoning stating that all the commercial businesses in this area facing on Merrimon Avenue use Long Street, Lockley Avenue, and Wildwood Avenue as entrances and exits.

Mrs. Margaret Jones, of Lockley Avenue, stated that all the streets in this area were not wide enough to carry a car and a fire truck, if needed, much less more commercial traffic.

Mayor Wood closed the public hearing at 3:42 o'clock p. m.

The Assistant City Manager read the prepared ordinance which would amend the Zoning Ordinance and rezone the property as requested.

In the absence of a motion for the adoption of the ordinance, Mayor Wood declared the request denied.

ORDINANCE NO. 813 - CITY OF ASHEVILLE EROSION CONTROL ORDINANCE

3. Consideration was given to the second reading of Ordinance No. 813, City of Asheville Erosion Control Ordinance.

The Corporation Counsel advised that a section relative to conflicting ordinances had been added in accordance with Council's instructions after the first reading.

Councilman Colton moved to amend the ordinance by adding the section relative to conflicting ordinances. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 813 passed on its second reading.

ORDINANCE NO. 814 - AN ORDINANCE AMENDING THE CODE OF THE CITY OF ASHEVILLE BY ADDING DIVISION 3 - CITY PARKING LOTS TO ARTICLE V- STOPPING, STANDING AND PARKING

4. Consideration was given to an ordinance amending the Code of the City of Asheville by adding Division 3 - City Parking Lots to Article V- Stopping, Standing, and Parking.

The Assistant City Manager read the ordinance.

Mr. Mike Smith, Director of Central Services, explained that the purpose of the ordinance was to provide more downtown parking spaces for shoppers and move monthly parkers to the perimeter parking lots.

Mr. Russ Martin spoke in opposition to the price increases of the monthly parking lots.

Councilman Morris moved for the adoption of the ordinance with the effective date to be September 1, 1974. This motion was seconded by Vice-Mayor Marshall.

On a roll call vote of 6-0, Ordinance No. 814 passed on its first reading.

Mayor Wood, referring back to the resolution relative to the municipal agreement between the City and the Department of Transportation on the utilities for the Charlotte Street Project asked Council what action they wished to take on the resolution.

Councilman Colton moved for the adoption of the resolution. This motion was seconded by Councilman Horton and carried unanimously.

Complete text of Resolution No. 74-115 will be found in Resolution Book No. 7 at page 306.

REZONING REQUEST - PROPERTY ON HIGHWAY N. C. 81 - PERRY ALEXANDER AND OTHERS

10. Consideration was given to a recommendation from the Planning and Zoning Commission relative to rezoning property on Highway N. C. 81 from Roadside Business and Neighborhood Trading Area to Commercial owned by Perry Alexander and others.

The Assistant City Manager read the recommendation from the Planning and Zoning Commission which recommended approval of the request.

Councilman Morris moved that a public hearing on the matter be held on August 29, 1974 and that the required legal advertisement be made at the petitioners expense. This motion was seconded by Councilman Hoyle and carried unanimously.

REZONING REQUEST - CORA JENNINGS - JOHNSON BOULEVARD

11. Mayor Wood requested that this matter be postponed for one week. He said this would allow time for the petitioner to be advised of the Planning and Zoning Commission's action and give him an opportunity to prepare an appeal since action by the Planning and Zoning Commission, in which they recommended denying this request, only took place the previous day.

RESOLUTION NO. 74-116 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE RELATING TO THE REVISAL OF ORDINANCE NO. 322, AS AMENDED, COMMONLY REFERRED TO AS THE ZONING ORDINANCE OF THE CITY OF ASHEVILLE

12. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance relating to the revisal of Ordinance No. 322, as amended, commonly referred to as the Zoning Ordinance of the City of Asheville.

The Assistant City Manager read the resolution.

Councilman Horton moved for the adoption of the resolution setting the public hearing date for September 19, 1974. This motion was seconded by Councilman Colton and carried unanimously.

Complete text of Resolution No. 74-116 will be found in Resolution Book No. 7 at page 307.

CLAIM - MRS. MARVIN ROBINSON - 23 EDWIN PLACE

The Assistant City Manager presented a claim from Mrs. Marvin Robinson of 23 Edwin Place claiming damages from two storm drains being stopped up on her street.

Mayor Wood referred the claim to the Corporation Counsel for disposition.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 74-113 was unanimously adopted.

Complete text of Resolution No. 74-113 will be found in Resolution Book No. 7 at page 304.

RESOLUTION NO. 74-114 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE CROSSING U. S. 25 (HENDERSONVILLE ROAD)

8. Consideration was given to a resolution authorizing Mayor to execute right-of-way encroachment agreement with the North Carolina State Board of Transportation for Water line crossing U. S. 25 (Hendersonville Road).

The Assistant City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, Resolution No. 74-114 was unanimously adopted.

Complete text of Resolution No. 74-114 will be found in Resolution Book No. 7 at page 305.

RESOLUTION NO. 74-115 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF TRANSPORTATION FOR USE AND OCCUPANCY OF FACILITIES LOCATED ON STATE PROJECT 8.1901404

9. Consideration was given to a resolution authorizing the Mayor to enter into an agreement with the Board of Transportation for use and occupancy of facilities located on State Project 8.1901404.

The Assistant City Manager read the resolution and explained that this was an agreement pertaining to the utilities to be placed on the proposed Charlotte Street Extension Project.

Dr. Cecil Sherman, Minister for the First Baptist Church, read a prepared statement requesting Council's assistance in speeding up the Urban Redevelopment, Street and Highway Projects around the church. He said their plans for improvements to the church had been postponed many times due to the delays in the Urban Renewal Project and the Charlotte Street Extension Project. He said a hearing on the Charlotte Street Extension Project is to be held in Raleigh on August 22 and he requested that Council express their concern relative to the many delays in the project.

Mayor Wood told Dr. Sherman that all city officials share in the frustration of the property owners in this area. He said that Council had passed a resolution several years ago expressing their concern over the traffic congestion on Tunnel Road and urged them to speed up the project.

Mayor Wood instructed the Corporation Counsel to look into the August 22nd hearing and find out what will transpire at the hearing and to report this information back to Council next week.

Councilman Colton thanked Dr. Sherman for coming to Council and expressing his congregations concern. He said that perhaps all interested parties should join forces and appear at the August 22nd hearing.

NOTICE OF CLAIM OF LIEN - PERRY M. ALEXANDER CONSTRUCTION COMPANY AND GENERAL BUILDING PRODUCTS, INC.

The Assistant City Manager informed Council that he had received two notice of claim of liens by first tier sub-contractors furnishing materials to Gneral Contractor relative to Ranger Construction Company at the Asheville Civic Center. These claims were from Perry M. Alexander Construction Company and General Building Products, Inc.

Mayor Wood referred the claims to the Corporation Counsel.

WATER LEAK - PATTON AVENUE

Councilman Horton requested that the Director of Water and Sewer Services check into a water leak in front of the Abernathy Church on Patton Avenue.

Adjournment.

Richard A. Wood Jr.
MAYOR

William F. Medford
CITY CLERK

ORDINANCE NO. 815 - AN ORDINANCE TO REGULATE MASSAGE PARLORS AND HEALTH SALONS

4. Consideration was given to the second reading of Ordinance No. 815, an ordinance to regulate massage parlors and health salons.

Mayor Wood advised that members of Council had previously been furnished copies of the ordinance and that it would not be re-read in its entirety unless there was a specific request to do so.

Mayor Wood noted that physical therpists should be added to to the list of exclusions in the first section of the ordinance.

Councilman Colton moved to amend the ordinance and add physical therpists to the list of exclusions in the first section of the ordinance. This motion was seconded by Councilman Horton and carried unanimously.

Mr. E. R. McCarthy suggested that before Council passed any regulations, they should appoint a committee to go out and look at what they proposed to regulate. He noted that the ordinance called for a $1,000 bond, while there were no insurance or bond requirements for race tracks which he indicated he felt were more dangerous and a bigger nuisance.

Councilman Horton commented on a news story in the local newspaper stating that he wish to thank the newspaper for doing the research on the matter in which the Council might have been reluctant to do. He said the activities at the massage parlors backed his ideas about regulations and because the types of services were the type of morality citizens did not want in their midst. He said he felt the citizens of Asheville look to Council to protect public morality and "I for one do not intend to let them down."

Mr. Jim Mathis, 5 White Fawn Place, told Council that his wife worked at the Tahitian Health Club and he approved of her work as a masseuse and upheld her story in the local newspaper.

On a roll call vote of 6-0, Ordinance No. 815 passed on its second reading.

BIDS - ONE (1) 16" BRUSH CHIPPER FOR SANITATION DIVISION

5. Consideration was given to bids received August 5, 1974 for one (1) 16" brush chipper for the Division of Sanitation.

The Assistant City Manager read a memorandum from the Purchasing Agent who recommended the low bid submitted by Safety Test and Equipment Company in the amount of $4,605.00.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the contract to the low bidder, Safety Test and Equipment Company in the amount of $4,605.00. This motion was seconded by Councilman Hoyle and carried unanimously.

Thursday - August 15, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel William C. Moore, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: City Manager Ernest J. Ward

1. Approval of minutes of the August 8, 1974 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Morris, the minutes of the August 8, 1974 meeting were approved as submitted.

ORDINANCE NO. 813 - CITY OF ASHEVILLE EROSION CONTROL ORDINANCE

2. Consideration was given to the third reading of Ordinance No. 813, City of Asheville Erosion Control Ordinance.

Mayor Wood advised that members of Council had previously been furnished copies of the ordinance and that it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 813 passed on its third and final reading.

Complete text of Ordinance No. 813 will be found in Ordinance Book No. 6 at page 87.

ORDINANCE NO. 814 - AN ORDINANCE AMENDING THE CODE OF THE CITY OF ASHEVILLE BY ADDING DIVISION 3 - CITY PARKING LOTS TO ARTICLE V - STOPPING, STANDING AND PARKING

3. Consideration was given to the second reading of Ordinance No. 814, an ordinance amending the Code of the City of Asheville by adding Division 3 - City Parking Lots to Article V - Stopping, Standing and Parking.

Mayor Wood advised that members of Council had previously been furnished copies of the ordinance and that it would not be re-read in its entirety unless there was a specific request to do so.

Mr. Mike Smith, Director of Central Services, noted that two amendments had been made in the ordinance since the first reading. He said these changes were the addition of a daily rate for Parking Lot No. 14 on Broadway and a sentence was added in Section 28-128. Hours of operation to read "The City Manager, at his discretion, may alter or suspend the normal hours of operation."

Councilman Morris moved to amend the ordinance by adding a daily rate to Parking Lot No. 14 on Broadway and to incorporate the sentence "The City Manager, at his discretion, may alter or suspend the normal hours of operation"into Section 28-128. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 814 passed on its second reading.

Councilman Morris introduced in written form the following order authorizing bonds which was read:

ORDER AUTHORIZING $825,000
PARKING BONDS

BE IT ORDERED by the Council of the City of Asheville:

Section 1. That, pursuant to The Local Government Bond Act, as amended, the City of Asheville, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Parking Bonds in an aggregate principal amount not exceeding $825,000 for the purpose of providing funds, with any other available funds, for constructing and equipping a structure for off-street parking in said City.

Section 2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

Section 3. That a sworn statement of the debt of the City has been filed with the City Clerk and is open to public inspection.

Section 4. That this order shall take effect 30 days after its publication following adoption, unless it is petitioned to a vote of the people as provided in G.S. 159-60, and that in that event the order will take effect when approved by the voters of the City at a referendum as provided in said Act.

Thereupon, upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, the order entitled: "ORDER AUTHORIZING $825,000 PARKING BONDS", as hereinabove set forth, was passed upon its first reading by the following vote:

Yeas: Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Vice-Mayor Calvin W. Marshall.

Nays: _____.

Thereupon Councilman Colton introduced in written form the following resolution which was read:

RESOLUTION DESIGNATING THE DIRECTOR OF FINANCE TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That the Director of Finance be and he is

Bid Summary

Bid Request No. 220 - 1 - 16" Brush Chipper for Sanitation Department

Bidder	Bid
Porter Brothers	$5,113.33
Safety Test & Equipment Co.	4,605.00
Interstate Equipment Company	6,629.08
H & H Equipment Company	5,127.34

BIDS - "FIRE HOSE - VARIOUS SIZES"

6. Consideration was given to bids received August 5, 1974 for various sizes of fire hose.

The Assistant City Manager read a memorandum from the Purchasing Agent who recommended the low bid submitted by Boyce L. Ford Company, Inc. for a total amount of $5,769.00.

Councilman Colton moved to accept the recommendation of the Purchasing Agent and award bids to the low bidder, Boyce L. Ford Company in the amount of $5,769.00. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

[redacted]EQUEST NO. 219 — FIRE HOSE - VARIOUS SIZES — TIME OPENED: AUGUST 5, 1974 - 2:00 PM.

BID ITEM	DESCRIPTION & QUANTITY	ACTION FIRE & SAFETY, INC. CHARLOTTE, N.C. unit	amount	ZIMMERMAN-EVANS, INC. GREENSBORO, N.C. unit	amount	TRIAD FIRE & SAFETY EQUIPMENT CO., INC. KERNERSVILLE, N.C. unit	amount	BOYCE L. FORD CO. INC. ASHEVILLE, N.C. unit	amount	TIDEWATER SUPPLY CO. ASHEVILLE, N.C unit	amount
ITEM 1	2½" Fire Hose 2900 ft.	1.94	5,626.00	1.80	5,220.00	1.81	5,249.00	1.49	4,321.00 ✓	1.73.04 C lft.	5,308.16
ITEM 2	1½" Fire Hose 1000 ft.	1.35	1,350.00	1.25	1,250.00	1.22	1,220.00	1.10	1,100.00 ✓	119.02 C lft.	1,190.20
ITEM 3	1" Booster Hose 300 ft. 50 ft. lengths	1.81	543.00	1.86	558.00	1.66	498.00	1.16	348.00 ✓	176.66 C lft.	529.98
ITEM 3-A ALTERNATE-100 ft. lengths	1" Booster Hose 300 ft.	1.60	480.00	1.58	474.00	1.44	432.00	1.00	300.00	157.08 C lft.	471.24
TOTAL ITEMS 1, 2, & 3 only (Item 3-A Alternate not included in these totals)			$7,519.00		$7,028.00		$6,967.00		$5,769.00 ✓		$7,028.34
[redacted]EPOSIT		5% BID BOND		5% BID BOND		CERTIFIED CHECK		5% BID BOND		5% BID BOND	

Section 2. That said public hearing may be adjourned from time to time.

Section 3. That the City Clerk be and he is hereby directed to publish said order, together with the appended statement giving notice of said hearing as required by The Local Government Bond Act, as amended, once in The Asheville Times not later than the sixth day before the date of said public hearing.

Richard A. Wood, Jr.
Mayor

William F. Wolcott, Jr.
City Clerk

Approved as to form:
William C. Moore
Corporation Counsel

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR A PUBLIC HEARING UPON AN ORDER AUTHORIZING $825,000 PARKING BONDS AND DIRECTING THE CITY CLERK TO PUBLISH SAID ORDER TOGETHER WITH A STATEMENT GIVING NOTICE OF SAID HEARING" was passed by the following vote:

Yeas: Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Vice-Mayor Calvin W. Marshall.

Nays: None.

Thereupon the resolution entitled: "RESOLUTION DESIGNATING THE DIRECTOR OF FINANCE TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT" and the resolution entitled: "RESOLUTION PROVIDING FOR A PUBLIC HEARING UPON AN ORDER AUTHORIZING $825,000 PARKING BONDS AND DIRECTING THE CITY CLERK TO PUBLISH SAID ORDER TOGETHER WITH A STATEMENT GIVING NOTICE OF SAID HEARING" were authenticated by the signatures of the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolutions his approval of the forms thereof.

Thereupon, upon motion of Councilman Ochsenreiter, seconded by Councilman Horton, the requirement of the Charter that ordinances be read on three separate days was dispensed with by the following vote, being not less than two-thirds of the members of the Council:

hereby designated as the officer who shall prepare and file with the City Clerk the sworn statement of debt of the City of Asheville which is required by The Local Government Bond Act, as amended, to be filed after a bond order has been introduced and before the public hearing thereon.

Section 2. That this resolution, being a resolution directing administrative action, shall take effect immediately.

Richard A. Wood, Jr.
Mayor

William F. Wolcott, Jr.
City Clerk

Approved as to form:

William C. Moore
Corporation Counsel

Upon motion of Councilman Colton, seconded by Councilman Morris, the foregoing resolution entitled: "RESOLUTION DESIGNATING THE DIRECTOR OF FINANCE TO PREPARE AND FILE THE SWORN STATEMENT OF DEBT" was passed by the following vote:

Yeas: Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Vice-Mayor Calvin W. Marshall.

Nays: None.

Thereupon the Director of Finance filed with the City Clerk, in the presence of the Council, the sworn statement of debt as so required, which statement is attached to and made a part of these minutes.

Thereupon Councilman Morris introduced in written form the following resolution which was read:

RESOLUTION PROVIDING FOR A PUBLIC HEARING UPON AN ORDER AUTHORIZING $825,000 PARKING BONDS AND DIRECTING THE CITY CLERK TO PUBLISH SAID ORDER TOGETHER WITH A STATEMENT GIVING NOTICE OF SAID HEARING

BE IT RESOLVED by the Council of the City of Asheville:

Section 1. That a public hearing upon the order entitled: "ORDER AUTHORIZING $825,000 PARKING BONDS" shall be held at 3:00 o'clock P.M., on August 29, 1974 at the City Hall in Asheville, North Carolina, at which the Council shall hear anyone who may wish to be heard on the question of the validity of said order or the advisability of issuing said bonds.

RESOLUTION NO. 74-120 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE SOUTHERN RAILWAY COMPANY CONCERNING A 10-INCH WATER LINE ON ROYAL PINES DRIVE (SR 3162) AT THE RAILROAD CROSSING, LIMESTONE TOWNSHIP, BUNCOMBE COUNTY

Consideration was given to a resolution authorizing the Mayor to execute a right of way encroachment agreement with the Southern Railway Company concerning a 10-inch water line on Royal Pines Drive (SR 3162) at the railroad crossing, Limestone Township, Buncombe County.

The Assistant City Manager read the resolution and explained that this was a right of way for a water line from Sweeten Creek Road to the CocaCola Plant which would cross underneath the railroad bridge on a State Road.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Ochsenreiter, Resolution No. 74-120 was unanimously adopted.

Complete text of Resolution No. 74-120 will be found in Resolution Book No. 7 at page 312.

RESOLUTION NO. 74-121 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH INGLE'S MARKETS, INC. CONCERNING AN 8-INCH WATER LINE ON U. S. 25 TO SERVE INGLE'S SHOPPING CENTER, LIMESTONE TOWNSHIP, BUNCOMBE COUNTY

Consideration was given to a resolution authorizing the Mayor to enter into agreement with Ingle's Markets, Inc. concerning an 8-inch water line on U. S. 25 to serve Ingle's Shopping Center, Limestone Township, Buncombe County.

The Assistant City Manager read the resolution.

Mayor Wood excused Councilman Hoyle from the meeting at 3:50 o'clock p. m.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 74-121 was unanimously adopted.

Complete text of Resolution No. 74-121 will be found in Resolution Book No. 7 at page 313.

RESOLUTION NO. 74-122 - [illegible] OF AMENDMENTS TO THE NORTH CAROLINA [illegible], VOLUME I, GENERAL CONSTRUCTION, 1967 EDITION

Consideration was given to a resolution calling for a public hearing for the adoption of amendments to the North Carolina State Building Code, Volume I, General Construction, 1967 Edition.

The Assistant City Manager read the resolution.

Councilman Ochsenreiter moved for the adoption of the resolution setting the date for the public hearing for September 12, 1974. This motion was seconded by Councilman Colton and unanimously adopted.

Complete text of Resolution No. 74-122 will be found in Resolution Book No. 7 at page 314.

Yeas: Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Vice-Mayor Calvin W. Marshall

Nays: None

Thereupon, upon motion of Councilman Morris, seconded by Councilman Hoyle, the order entitled: "ORDER AUTHORIZING $825,000 PARKING BONDS", as hereinabove set forth, was read a second time and was passed upon its second reading by the following vote:

Yeas: Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Vice-Mayor Calvin W. Marshall

Nays: None

REZONING PETITION - SHUFORD H. AND DELORES HALL - JESSE P. SURLES

The Assistant City Manager presented a rezoning petition received from Shuford H. and Delores A. Hall and Jesse P. Surles requesting that Lots 96, 97, 7, 9-1/2, 10-1/2, 8-1/4, Ward 2, Sheet 17 be rezoned from RA-9 to RA-M. It was also requested as an alternative, that Lots 16, 185, 193, 15-3/4, 15-1/2, 192, 93, 94, 95 and 14 of Ward 2, Sheet 17 be zoned RA-8 in order that a buffer may be created between the area west of Hollywood Street, currently zoned RA-M, and the area east of the aforelisted lots, currently zoned RA-9.

In the absence of any objections from members of Council, Mayor Wood referred the petition to the Planning and Zoning Commission for study and recommendation.

PETITION TO CLOSE PORTION OF MILLER ROAD

The Assistant City Manager advised Council that he had received a petition from Patricia Isabel Miller, James Ernest Miller, Jr., Isabel Miller Galasso, Mary Emma Miller, and Irene Miller Douglas and the Buncombe County Board of Education, owners and optionees of that property adjoining that portion of Miller Road sought to be closed, requesting that a portion of Miller Road be permanently closed. The petition stated that the petitioner, the Buncombe County Board of Education, proposes to build a new Elementary School on the propercy, which school will replace the present Haw Creek Elementary School. He told Council if they wished to consider the closing it would be necessary to pass a resolution setting a public hearing on the question and that if it was Council's wish he was prepared to present the resolution at this time. On instructions from Mayor Wood he proceeded with the presentation of the following resolution.

RESOLUTION NO. 74-119 - RESOLUTION OF INTENT TO CLOSE A PORTION OF MILLER ROAD AND CALLING A PUBLIC HEARING ON THE QUESTION

Councilman Hoyle moved for the adoption of the resolution setting the date of the public hearing for September 19, 1974. This motion was seconded by Councilman Horton and carried unanimously.

Complete text of Resolution No. 74-119 will be found in Resolution Book No. 7 at page 310.

Mrs. Marylyn Gordon, 34 West Haven, asked Council if they planned to send a representative to the hearing in Raleigh on August 22, 1974.

Mayor Wood told her that it was his understanding that no oral presentations would be taken, but that written statements would be accepted and included in the record. He said if they changed their views he would be glad to inform her, however based on this information the City would not have a representative at the meeting.

Mrs. Gordon speaking as a member of the Beaucatcher Mountain Defense Association said that whether or not there was a Tunnel or an Open Cut there would be no time difference, but when construction as proposed causes irreversible destruction to the terrain then an alternative procedure should be obtained. She appealed to Council not to sanction the destruction of the Beaucatcher Mountain, beaause the construction might be expedient. She asked that Council stand with the conservationists in order that other generations might enjoy the mountain.

Councilman Morris asked Mrs. Gordon if the "unsightly scar" which would be left in the mountain, which she had mentioned, was the thing that most concerned her. He said that since no legislation covered such destruction then as a result her group was using the flow of pollution through the cut as a means of halting construction.

Mrs. Gordon told Councilman Morris that her group was using the environment as a possible means of seeking an alternate construction method.

Mrs. Doris Moore, Shawnee Trail, told Council that she appreciated the action Council was taking on the matter. She told Council that after the years and money already spent on the project, it did not seem right for 25 people to stop it. She said she felt that those opposing the cut were opposing for personal reasons rather than environmental ones.

Referring back to the prepared resolution requesting that the Board proceed with the construction and to let the contracts immediately, Councilman Morris moved for the adoption of the resolution, This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Mayor Wood instructed the City Clerk to forward copies of the resolution to the North Carolina Environmental Management Commission and to Mrs. Cary Owen, Buncombe County Commissioner.

Text of Resolution No. 74-124 to be found in Resolution Book 7, page 316

NOTICE OF CLAIM OF LIEN - FEDERAL GLASS AND HARDWARE, INC. AND CITIZENS HARDWARE AND SUPPLY COMPANY, INC.

The Assistant City Manager informed Council that he had received two notice of claim of liens by first tier subcontractors furnishing material to the General Contractor, Ranger Construction Company at the Asheville Civic Center. These claims were from Federal Glass and Hardware, Inc. in the amount of $9,000 and Citizens Hardware and Supply Company, Inc. in the amount of $24,560.52.

Adjournment.

Richard D. Wood, Jr.
MAYOR

William F. Worcott
CITY CLERK

RESOLUTION NO. 74-123 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE DEED TO THE ASHEVILLE CITY BOARD OF EDUCATION

Consideration was given to a resolution authorizing the Mayor to execute deed to the Asheville City Board of Education.

The Corporation Counsel read the resolution and explained that this included two lots that were conveyed to the County and the City of Asheville by the Board of Financial Control, which Board is no longer in existance. He said the County had already conveyed all rights, title and interest to the City Board of Education. He said this was in connection with the proposed new Hall Fletcher School.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Horton, Resolution No. 74-123 was unanimously adopted.

Complete text of Resolution No. 74-123 will be found in Resolution Book No. 7 at page 315.

PHASE I - WATER IMPROVEMENT PROGRAM - ELECTRICAL CONTRACT

Mr. Bill Edens, Director of Water and Sewer Department advised Council that a contract had been awarded for the electrical phases - Phase I of the Water Quality Improvement Program to Bryant Electrical Company of Brevard at a price of $39,870. He said subsequent to the signing of the contracts he received a telephone call and a letter from Bryant Electrical Company asking that they be relieved from the terms of the contract and offering the services of the second low bidder, Electrical Constructors of America, Inc. of Skyland to take the job at the same price. He said this proposal had been discussed with the engineers and they have offered to prepare the contracts, which have been signed and submitted with all insurance papers in order, by Electrical Constructors of America, Inc. He said that it was his recommendation that this contract be executed and that Bryant Electrical Company be relieved of their obligations.

Mayor Wood requested that a resolution be prepared for next week's meeting substituting Electrical Constructors of America, Inc. for Bryant Electric Company for electrical work on Phase I of the Water Quality Improvement Program.

RESOLUTION NO. 74-124 - RESOLUTION REQUESTING IMMEDIATE ACTION ON SIX-LANE HIGHWAY THROUGH BEAUCATCHER MOUNTAIN

Consideration of a resolution requesting immediate action on Six-Lane Highway through Beaucather Mountain.

The Corporation Counsel informed Council that he had contacted the appropriate groups this past week in regard to this matter. He said the North Carolina Environmental Management Commission has set a hearing for August 22, 1974 and at the hearing it would be determined that in their opinion they do not have jurisdiction over the construction methods unless they are willing to accept it. However, he said that previous studies have determined that an open cut would not produce any ill effects, nor would it cause carbon monoxide to rise. He said it was his recommendation that if it was Council's wish that immediate action be taken, a resolution should be passed which would request the Board to proceed with the construction and let the contracts immediately.

After a lengthy discussion, Councilman Ochsenreiter moved to table the ordinance on its third reading and to set up a conference with representatives of the downtown area to discuss the matter further. This motion was seconded by Councilman Hoyle and carried unanimously.

Mayor Wood requested that the City Manager obtain statistics relative to the current use of the parking lots in the downtown area and to arrange a sub-committee with the downtown merchants and Mr. Mike Smith, Director of Central Services to discuss the matter further.

ORDINANCE NO. 815 - AN ORDINANCE TO REGULATE MASSAGE PARLORS AND HEALTH SALONS

3. Consideration was given to the third and final reading of Ordinance No. 815, an ordinance to regulate massage parlors and health salons.

Mayor Wood advised that members of Council had previously been furnished copies of the ordinance which was read in its entirety before the first reading and amended before the second reading and would not be re-read in its entirety unless there was a specific request to do so.

Councilman Morris moved to amend the ordinance to become effective fifteen (15) days after adoption rather than October 1, 1974. This motion was seconded by Councilman Horton and carried unanimously.

Susan McFarland, of the Tahitian Health Club, asked if the ordinance would close down the massage parlors completely.

Mayor Wood informed her that the intent of the ordinance was to regulate the massage parlors which would require licensing procedures and would prohibit a member of one sex from giving massages to a member of another sex except under the orders of a physician.

She asked if any member of Council had visited the massage parlors and invited them to come and see exactly what goes on at their place of business. She said a perfectly legal business was being carried on and she felt Council did not have the right view of what was going on.

Rev. P. F. DeSaix spoke at length in opposition to the Council's action on passing an ordinance on massage parlors without having personal knowledge and that they were acting on hear say evidence. He said as long as it was behind closed doors it should not be a concern of the City government.

Councilman Horton commented that he felt the majority of people he represented did not agree with Rev DeSaix's philosophy and that they were in favor of the ordinance.

On a roll call vote of 6-0, Ordinance No. 815 passed on its third and final reading, effective fifteen (15) days after adoption.

Complete text of Ordinance No. 815 will be found in Ordinance Book No. 6 at page 111.

Thursday - August 15, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of August 15, 1974 meeting.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, the minutes of the August 15, 1974 meeting were approved as submitted.

ORDINANCE NO. 814 - AN ORDINANCE AMENDING THE CODE OF THE CITY OF ASHEVILLE BY ADDING DIVISION 3 - CITY PARKING LOTS TO ARTICLE V - STOPPING, STANDING AND PARKING

8. Consideration was given to the third reading of Ordinance No. 814, an ordinance amending the Code of the City of Asheville by adding Division 3 - City Parking Lots to Article V- Stopping, Standing and Parking.

Mayor Wood advised that members of Council had previously been furnished copies of the oridnance and that it would not be re-read in its entirety unless there was a specific request to do so.

Mr. Donald Heet, President of the Bon Marche Stores, told Council he was speaking on behalf of the Bon Marche Stores, retail stores, and businessmen in the downtown area. He said he was opposed to the parking increases in that he felt this would be penalizing the employees in the downtown store, whereby the employees at the stores at Westgate and at the Mall parked free; that the increases would penalize customers who only wanted to shop for a few minutes; and that the increases in parking rates would speed up the current trend of downtown deterioration.

Mr. Bonson Ramsey, of Oakley, presented a petition to Council with some 715 signatures of workers in the downtown area appealing not to increase the parking fees. He said it would put a financial burden on the downtown employees.

Mr. Henry Teal, representing some 210 employees of the Wachovia Bank, spoke in opposition to the increase in parking fees. He said the downtown merchants, lawyers, and businessmen compete in a labor market with the regional shopping centers, manufacturing plants, and the medical parks and if the rate increases are approved he felt it would be difficult to hire the caliber personnel that would be needed to work when they could work outside of downtown and get their parking free. He recommended that the rates remain the same.

Councilman Morris commented that there was no such thing as free parking and that the regional shopping center businesses pay for the cost of parking in rent. He said the purpose of this ordinance was to set a rate scale that would encourage daily parkers to park in the perimeter lots, leaving the lots closer to the business district for shoppers. He said he felt the businessmen should furnish parking for his employees and shoppers.

the Park and Recreation Advisory Board relative to the purchase of this property. for the new West Asheville Park.

Mayor Wood instructed that the letter be made a part of the minutes. The following is the text of the letter.

August 21, 1974

The Honorable Richard A. Wood, Mayor
City of Asheville
City Hall
Asheville, NC

Dear Sir:

I have just heard the good news that the last appraisal delaying purchase of land in the Morris Street - Vermont Avenue section of West Asheville for park development has been accepted. I'm extremely pleased that the long struggle is nearly over, and that construction of this much - needed facility can soon begin.

With the able assistance of Ray Kisiah, Frank Leppert, and other members of your Recreation Advisory Board, I have been personally involved in the search for a site for this park for the entire six or seven years since Rhododendron Park was sold. The Board went on record back in 1968 urging highest priority in city park land acquisition to the securing of a West Asheville site suitable for development into an active recreation facility - to include tennis courts, lighted little league ballfield, and picnic area.

We have tramped over many possible sites, negotiated seriously for two, selected one (which we lost when condominium developers outbid us) and finally settled, after years of effort, on the site now proposed for purchase. Your Board unanimously endorses this site selection, and respectfully requests prompt and favorable consideration by City Council of the proposed purchase agreement.

We believe this site provides an opportunity to develop a much - needed recreation facility at realistic costs within a budget already appropriated and utilizing matching Federal Funds already granted.

We are also confident that this park can be operated so that light and noise nuisance to adjoining residential property can be kept to an absolute minimum. The population density of the neighborhood underscores the important value of this off-street recreational facility; yet we plan to achieve this while retaining many existing trees and shrubs for both beauty and sound-screen.

The Board is grateful for your continued support throughout this lengthy effort, and shares with you its pleasure that tangible development can be started immediately following execution of the land purchase.

Respectfully yours,

Bill Peyton

William M. Peyton
Chairman
Park and Recreation Advisory Board

WMP:sc

RESOLUTION NO. 74-125 - RESOLUTION TO RELIEVE BRYANT ELECTRICAL CORPORATION FROM THE OBLIGATIONS AND CONDITIONS OF ITS CONTRACT 1.1 FOR ELECTRICAL WORK RELATED TO THE PHASE I WATER FACILITIES AND AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY, A CONTRACT FOR IDENTICAL OWRK WITH ELECTRICAL CONSTRUCTORS OF AMERICA, INC.

4. Consideration was given to a resolution to relieve Bryant Electrical Corporation from the obligations and conditions of its contract 1.1 for electrical work related to the Phase I Water Facilities and authorizing the Mayor to sign on behalf of the City, a contract for identical work with Electrical Constructors of America, Inc.

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, Resolution No. 74-125 was unanimously adopted.

Complete text of Resolution No. 74-125 will be found in Resolution Book No. 7 at page 318.

BIDS - TWO (2) 1974 MODEL INDISTRIAL TYPE TRACTORS WITH FRONT-END LOADERS AND 10 FOOT BACKHOE FOR WATER AND SEWER DEPARTMENT

5. Consideration was given to bids received August 19, 1974 for two (2) 1974 Model Indistrial Type Tractors with Front-End Loaders and 10 Foot Backhoe for Water and Sewer Department.

The City Manager read memorandums from the Purchasing Agent and the Director of Water and Sewer Department who recommended the second low bidder, Farm Equipment Company in the amount of $21,400.00, in that the low bid submitted by Arden Equipment Company in the amount of $21,109.52 did not meet the specifications.

Councilman Morris moved to accept the recommendations and award the contract to Farm Equipment Company in the amount of $21,400.00. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Bid Summary

Bid Request No. 221 Two (2) 1974 Model - Industrial Type Tractors with Front End Loader and 10 Foot Backhoe

Bidder	Bid
Bruce Construction & Machinery Company	$ 25,595.90
Arden Equipment Company	21,109.52
Farm Equipment Company	21,400.00
Blue Ridge Tractor & Equipment Company	34,000.00
E. F. Craven Company	No Bid

PURCHASE OF PROPERTY IN VICINITY OF DAVENPORT ROAD AND MORRIS AVENUE FOR NEW WEST ASHEVILLE PARK

6. Consideration was given to the purchase of property in vicinity of Davenport Road and Morris Avenue for new West Asheville Park.

The City Manager read letter from Mr. William M. Peyton, Chairman of

Councilman Morris stated that Council was only considering the purchase of the property at this time and since the lay out of the park was only tentative he suggested that a committee representing the people closely affected by the project meet with the Park and Recreation Advisory Board and work out a solution that would be satisfactory to the residents of the area.

Councilman Horton read a letter of endorsement from the West Asheville Business Association.

Mayor Wood requested that the letter be included in the minutes. The following is the text of the letter:

August 22nd, 1974

The Asheville City Council,

Asheville, N. C.

Gentlemen:

The Directors of the West Asheville Business Association are very much in favor of the purchase of land and development of a play-ground in west Asheville. This has been needed for many years and we would like to see that it becomes a reality as soon as possible. We trust that the City Council will approve this development and that work can be started.

Sincerely yours,

West Asheville Business Association

By J. L. Lawrence

J. L. Lawrence, Secretary

Ray Kisiah, Director of Parks and Recreation, reviewed the efforts to date in order to develop a new park in the West Asheville area. He said the total cost for the development of the park would be approximately $245,000 which is included in the HUD Park Improvement Grant under the Open Space Program. He said the cost of the land would be $81,250.00 which is the appraised value. He also said it was their recommendation that the house presently on the property remain and that a resident caretaker be installed to oversee that the regulations and maintenance of the park were carried out.

Mr. Frank Leppert, a member of the Park and Recreation Advisory Board, told Council that it was the Board's desire that Council approve the purchase of this land. He said after many years of searching for a site he felt this provided an opportunity to develop the facility at a realistic cost.

Mr. Kisiah stated that it was the intent that this be a neighborhood park rather than a citywide park; that picnic shelters would be provided for small group gatherings; that the main entrance would be off Vermont Avenue and that there would be adequate land for an entrance; and that three (3) off-street parking areas. He said it was proposed to plant white pines to screen off the park and to protect the residents. He also said that it would take about two (2) years to put the park in operation, however, some facilities would be ready for use by next summer.

Mr. Russell Bell, 2 Morris Place, stated that his property adjoins the proposed park property and asked if this would be fenced in. He was advised that it would be at the point of his property.

Mr. Dick Eskridge, asked Council how other areas of the City could be included in the park program. He said he felt this should be a city-wide park rather than a neighborhood park, because other areas of the City needed more recreational facilities.

Mr. Porter Wilson, 172 Vermont Avenue, stated that he was President of the West Asheville Lions Club and at a recent meeting the club unanimously endorsed this project. He also offered Council his personal support.

Mr. Joseph Dunn told Council that he had been associated with the West Asheville Little League Program for a number of years and fully endorsed the park concept for the West Asheville area.

Mr. Earl Cobb, also associated with the Little League Program, endorsed the program.

Mr. Hobert Hector, 95 Morris Street, voiced concern over the increased traffic that would be generated on Morris Street. He said he felt the site was out of the way from any main roads.

Mr. Ted Meadows, 18 Talmadge Court, spoke about the increased traffic and activities in the neighborhood. He said he was not opposed to the park but against the location.

Councilman Colton stated that it was his intention to upgrade the entrance on Vermont and to alleviate traffic problems on Morris Street.

Mr. Tom Huddles, of Morris Avenue, spoke at length over the increased traffic on Morris Street.

CITY MANAGER'S REPORT - COMPLAINTS OF GARY MUCKELVENE AND DORA LEE WHITE

The City Manager explained that relative to complaints received by Council in July from Gary Muckelvene, Dora Lee White and her son and daughter, concerning arrest procedures on the part of some of the police officers in the Police Department, an investigation was made by the Police Department and statements from the police officers involved were received. He then read a memorandum from Chief J. C. Hall stating the final disposition of the complaints. He requested that the statements received from the police officers involved and the report from the Chief of Police and statements of the disposition of the complaints be made a part of the minutes. He advised Council that a memorandum had been forwarded to the Chief of Police relative to improving arrest procedures. He then read the memorandum and Mayor Wood instructed the City Clerk to include the memorandum in the minutes.

The following are documents specified to be made a part of the minutes:

JOSEPH C. HALL
CHIEF OF POLICE

August 17, 1974

MEMORANDUM TO: MR. ERNEST J. WARD
CITY MANAGER

SUBJECT: P. E. INGLE
H. L. KYLE

P. E. Ingle's suspension was made permanent by dismissal on August 6, 1974 after the trial in the Dora Lee White case.

Complaints filed against Ingle by Gary Muckelvene, Dora Lee White and her son and daughter, and Julius Cauble resulted in the dismissal.

Ingle has appealed to the Civil Service Commission. H. L. Kyle tendered his resignation August 7, 1974. Kyle was listed in complaint filed by Dora Lee White. O. C. Bodenhamer, who was named in the Muckelvene complaint, is still on duty due to the fact that Mr. Muckelvene stated he had no complaint against Bodenhamer at the time he filed his complaint against Ingle. Muckelvene stated he felt that had Bodenhamer been handling the situation on July 9, 1974, there would have been no problem. He also stated that Bodenhamer was following the orders of Ingle in his actions.

I plan no action against Bodenhamer.

J. C. Hall
Chief of Police

By: J. W. Inglove
Assistant Chief of Police

JCH:ele
JWI

Councilman Ochsenreiter moved to proceed with the purchase of the property in the amount of $81,250.00 with the understanding that residents of the area would have an opportunity to meet with the Park and Recreation Advisory Board and express their views about the park lay out before final plans are submitted. This motion was seconded by Councilman Horton and carried unanimously.

Mayor Wood called for a five (5) minute recess

BIDS - EXTERIOR RENOVATION, CLEANING AND WATERPROOFING - CITY HALL BUILDING

Consideration was given to bids received August 20, 1974 for the exterior renovation, cleaning and waterproofing for the City Hall Building.

Mr. John Cort, architect, presented the bids by Western Waterproofing Company in the amount of $134,466, Holbrook Waterproofing Company in the amount of $133,220, and the low bid of Brisk Waterproofing Company of Atlanta, Georgia in the amount of $111,900. He said the low bid was well within the funds budgeted by Council. He said it was his recommendation that Council accept the low bid, and execute a contract with Brisk Waterproofing Company for the work. He said the general scope of the work would be the exterior cleaning of the building from the top to grade.

Vice-Mayor Marshall moved to accept the recommendations of the architect and to award the contract to Brisk Waterproofing Company in the amount of $111,900. This motion was seconded by Councilman Hoyle and carried unanimously.

REZONING PETITION - B. G. O'KELLY - WARD 2, SHEET 17, LOT 96

Mayor Wood stated that a petition had been received from B. G. O'Kelly requesting that Lot 96, Sheet 17, Ward 2 be included in the petition received last week from Shuford H. and Delores A. Hall and Jesse P. Surles requesting that their property be rezoned RA-M.

In the absence of any objections from members of Council, Mayor Wood referred the petition to the Planning and Zoning Commission for their recommendation. This petition to be included with the petition filed by Shuford H. and Delores A. Hall and Jesse P. Surles.

GROUP DEVELOPMENT -HILLHAVEN CONVALESCENT CENTER, INC.

Consideration was given to a recommendation from the Planning and Zoning Commission relative to the site plan for Hillhaven Convalescent Center to be located at Livingston Street and Victoria Road. The recommendation was for approval subject to the developer providing the Commission with a copy of the written easement agreement which would allow entry from Livingston Street and obtaining and providing the Commission a copy of a letter from the Water and Sewer Department.

Councilman Morris moved that a public hearing on the matter be held September 12, 1974. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Officer Ingle was suspended July 12th without pay pending investigation and Court hearing in the case of Mr. Muckelvene who was charged with "Delaying and Obstructing an Officer in the performance of his duty." This case is to be heard in District Court July 31, 1974. No action was taken against Bodenhamer due to the fact that Mr. Muckelvene said he had no complaint against Bodenhamer.

J. C. Hall
Chief of Police

JCH:clc

POLICE DEPARTMENT

ASHEVILLE

NORTH CAROLINA

JOSEPH C. HALL
CHIEF OF POLICE

July 24, 1974

MEMORANDUM TO: ERNEST J. WARD
CITY MANAGER

SUBJECT: GARY MUCKELVENE

On July 9, 1974, Officer P. E. Ingle went to the Mountaineer Steak House with a warrant for one Bobby Robinson for larceny, and was told by a man laying rock at the Steak House that he was not Bobby Robinson, but his name was Gary Muckelvene. The Officer radioed Headquarters and asked for a description of Bobby Robinson. Ingle was told that the description they had of the subject in question was wearing a brown narrow brim hat. Muckelvene was wearing such a described hat, and was asked to show his identification, where upon he refused, and the Officers ordered him down from the scaffold, Bodenhamer having arrived while Officer Ingle was on the radio. The Officers alledged that Muckelvene picked up a rock hammer and threatened them with it and told them to get the hell out of there that he was not showing anything. Muckelvene was pulled from the scaffold where he was working and a scuffle ensued and Ingle and Muckelvene Bodenhamer were on the ground at which time Ingle told Bodenhamer to hit Muckelvene, and Bodenhamer struck Muckelvene three (3) times with a blackjack, and he says he was under the impression that Ingle was being hurt or was in danger of being hurt. Muckelvene was handcuffed and taken to Mission hospital where identification was obtained from his person, revealing the name of Gary Muckelvene.

Muckelvene came into my office on July 12th with his employer, Mr. Frank Cole and made an oral complaint against Patrolman Ingle. Muckelvene advised me at that time that he had no complaint as to Officer Bodenhamer that he felt Bodenhamer was acting under instructions of Ingle.

I asked Mr. Muckelvene if he would make a written statement, and he advised me that he had just left his Lawyers' office where he had made a written statement, and that he did not wish to make a statement in writing to me.

(continued

ASHEVILLE LIVING

of the Officers. I recall nothing at that time about a revolver being pulled on Lela Miller, but she did mention the fact she did not want to be maced due to a heart condition. There was some question as to whether or not if the Officers had a right to file charges against Dora Lee White and her daughter Lela Miller, and Richard White. I told them this would have to be decided by the Court, and to date these have not been settled, being continued each time they appeared on the docket for various reasons at the request of the defendants.

According to J. J. Causey, who was working for the Ambulance Service on May 19th, he was called to the Magistrates' office, after complaint from Mrs. White that she had been injured, and he checked and found no evidence of injuries. He and the Officers advised the defendant, Dora Lee White and Lela Miller that they should go to the hospital and be checked by a physician to determine if they were injured. Both refused to go to the hospital.

J. C. Hall
Chief of Police

JCH:elc

POLICE DEPARTMENT

ASHEVILLE

NORTH CAROLINA

JOSEPH C. HALL
CHIEF OF POLICE

July 24, 1974

MEMORANDUM TO: MR. ERNEST J. WARD
CITY MANAGER

SUBJECT: ARREST OF:
JAMES BOOKER
DORA LEE WHITE
LELA MILLER
RICHARD WHITE

On May 19, 1974, Officers P. E. Ingle and H. L. Kyle were working a "checking station" on N. C. 81, checking drivers license and registration. They noticed a subject stop an automobile he was operating and someone else got in the car to drive. When the auto was stopped, the subject who had gotten from under the wheel was arrested, and later it was determined his name was James Booker. He was charged with no operators license and driving on ficticious license. At the Magistrates' office, Dora Lee White was advised that she would be charged with allowing an unlicensed operator to drive her automobile. An argument developed and according to the Officers, Mrs. White alledged that the only reason they were arresting her was because she was black. I understand that the Magistrate told these subjects that if they did not quieten down he would charge them with contempt of court. Officer Ingle at this point alledges he placed Dora Lee White under arrest and she told him he could not put her in jail, and started to leave the building. Ingle grabbed her by the arm to restrain her, and there was a scuffle at which time Mrs. White was thrown to the floor and handcuffs placed on her. Lela Miller tried to stop the Officers from arresting her Mother, and she was charged with interfering with an Officer. Patrolman Kyle said that Lela Miller ran from the building, and he had to chase her down the street and return her to the Magistrates' office. Kyle denies that at any time he pulled his revolver, but he did say that he told Lela Miller that he would shoot her with Mace, and she said she had heart trouble, and she would return to the Magistrates' office with him.

On May 20th, Dora Lee White and Lela Miller came to my office and complained about having been arrested and the treatment received at the hands

(continued)

ALL-ASHEVILLE LIVING

7/9/74

11:15AM

REFERENCE TO ARREST OF GARY MUCKELVENE

OFFICER BODENHAMMER AND MYSELF WENT TO SERVE A LARCENY WARRANT ON BOBBY ROBINSON, B/M, WHO WAS REPORTED TO BE LAYING ROCK AT THE MAUNTAINEER STEAK HOUSE ON TUNNEL ROAD.

WHEN WE ARRIVED, WE OBSERVED ONE BLACK SUBJECT WORKING ON A SCAFFOLD LAYING ROCK. I APPROACHED THIS SUBJECT AND ASK IF HE WAS BOBBY ROBINSON. HE REPLIED HE WAS NOT. I RADIOED HQ AND ASKED FOR A DISCRIPTION OF THIS SUBJECT, THEY ADVISED HE WAS SUPPOSED TO HAD A BROWN HAT ON AND BE LAYING ROCK AT THE MOUNTAINEER STEAK HOUSE. THEN I ASKED SUBJECT ON THE SCAFFOLD FOR SOME IDENTIFICATION. HE REPLIED, HE WAS NOT BOBBY ROBINSON AND FOR US TO GO IS HIS BOSS TO FIND OUT HIS NAME. THEN I ASKED THE SUBJECT AGAIN FOR HIS IDENTIFICATION. HE REPLIED, HE WAS NOT GOING TO SHOW US HIS ID. AND TO GET THE HELL WAY FROM HIM. THIS SUBJECT HAD A TROWEL IN HIS HAND AND THAN HE PICKED UP A ROCK HAMMER AN SHOOK IT AT US. BOTH OFFICER BODENHAMMER AND MYSELF DREW OUR WEAPONS AND TOLD THE SUBJECT TO PUT DOWN THE HAMMER AND TROWEL. I THAN TOLD THE SUBJECT TO COME DOWN OFF THE SCAFFOLD AND PRODUCE HIS IDENTIFACTION. HE SAID HE WOULD NOT. I THEN GRABBED THE SUBJECT AND THEN HE CAME DOWN FROM THE SCAFFOLD, AND A STRUGGLE RESULTED. THE SUBJECT RECIEVED SLIGHT INJURIES WHEN WE HAD TO INCARSERATE HIM. WE TOOK THE SUBJECT TO MISSION HOSP FOR TREATMENT. AT THE HOSP I OBTAINED THIS SUBJECTS ID - GARY MUCKELVENE B/M 30 - HE WAS TREATED AND RELEASED. WE THEN TRANSPORTED THIS SUBJECT TO COUNTY JAIL AND OBTAINED WARRANT FOR DELAY OR OBSTRUCT AN OFFICER IN PREFORMANCE OF HIS DUTY. THEN WE GOT THE SUBJECT RECONIZED PER CAPT. MANEY REQUEST..

P. E. INGLE

P E Ingle

August 6, 1974

Mr. [redacted]
[redacted]
Asheville, North Carolina

Dear Mr. Ingle:

As you are aware, a complaint was filed against you alleging Police Brutality by Cary [redacted]ome on July 12, 1974, and a complaint by Mrs. Dora Lee [redacted], as a result of an incident occuring on May 19, 1974.

You were suspended without pay by me on July 12, 1974, pending outcome of Court cases against the two complaints and completion of investigation by the Police Department.

This suspension is being made permanent by dismissal from the Asheville Police Department for violation of Rule 13 of the Civil Service Rules and Regulations by "Oppressive use of authority and conduct unbecoming an employee of the City" due to the two complaints listed above and other complaints that I have had against you in recent months.

It is also my duty to inform you that you have the right to appeal this decision to the Civil Service Commission within ten (10) days from the above date.

Sincerely,

J. C. Hill
Chief of Police

JCH:ole

CC: Ernest J. Ward, City Manager
Civil Service Board

COPY

pushing and struggling.

I tried to put handcuff on Miss Dora Lee White, but she was scratching and kicking. Finally I got her hand behind her and the handcuffs on. During this time officer Kyle had run Richard White and Lula Miller to the outside of the Court house. I finally got Miss Dora White set down on the floor and I ran out to assist officer Kyle. When I got outside several officers, Poore, Kyle & others had Richard White and Lula White in custody and were coming back to the courthouse.

We obtained warrants for resisting arrest on Dora Lee White and obstructing an officer on Richard White and Lula White

All PE Hgh

P. E. Wyle.

Reference to the arrest of: James Booker, Dora Lee White, Lela Miller & Richard White.

On May 19, 1971, officer Kyle and myself were in the Magistrates office finishing arrest of James Booker for Driving with no operators lic and driving on fictitious license. When Dora Lee White, Richard White and Lela Miller came into the magistrates office inquiring what had James Booker been charged with. I advised her of the charges and I also asked her if the vehicle he was operating didn't belong to her. She said it was her vehicle and that James Booker was not driving the car. I told her that I had observed him, James Booker, drive the vehicle in question. She became very belligerant about everything. I advised her to calm down and we would get it all taken care of. But she continued to cuss and yell at me. I told her to sit down and calm down or I would charge her with aiding & abeting, James Booker driving with out license. She said she knew he didn't have license, but that he was not driving. At that time I placed Mrs Dora Lee White under arrest, then she said I could not arrest her and she became fighting and scratching and kicking me. I took hold of her and then her son, Richard White and her daughter, Lela White got into the action by pushing and pulling on me. At this time officer Kyle call for assistance because everyone was

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ON MAY THE 19TH WHILE I WAS ASSIGNED TO THE MOTOR SCOOTER AND WAS HEADQUARTERS I HEARD OFFICER KYLE CALL IN AND ASK FOR ASSISTANCE AT THE COURT HOUSE. WHEN I ARRIVED AT THE COURT HOUSE I SAW OFFICER KYLE CHASING ONE FEMALE (BLACK) DOWN TOWARDS COLLEGE ST. WHEN I GOT TO OFFICER KYLE I HEARD HIM TELL HER THAT SHE WAS UNDER ARREST FOR INTERFERING WITH AN OFFICER SHE KEPT PULLING AWAY FROM KYLE. KYLE TOLD ME TO GET MY MACE AND TOLD HER THAT IF SHE DON'T COME ALONG AND CALM DOWN THAT THE MACE WOULD BE USED. DURING THIS TIME ONE BLACK MALE WAS STANDING TO THE REAR OF THE CAR. THE SUBJECT FINALLY DECIDED TO GO BACK INTO THE COURT HOUSE, AS WE WE WERE WALKING THE FEMALE KEPT PULLING AWAY FROM KYLE. THE MALE SUBJECT THEN STARTED ARGUEING, OFFICER KYLE TOLD HIM HE WAS UNDER ARREST, WHEN GOT INSIDE OFFICER INGLE WAS STANDING AT THE MAG. DESK AND ONE [redacted] BLACK FEMALE WAS SITTING ON THE CARPET WITH HER HANDS HANDCUFFED BEHIND HER. AT NO TIME DURING UPON MY ARRIVAL UNTIL I LEFT DID ANYONE PULL HIS GUN. THE ONLY THING PULLED WAS MACE

Off. J. [redacted]

Dear Chief Hall,

... I was working Car #4 about 11:15AM 7-9-74 and heard Car #12 get a call to check and see if a Bobby Robinson was working at the Mountaineer Steak House, Laying Rock. So I went to back-up #12, when I got there Pat Ingle was going back to car #12 from the Steak House talking on the Radio and I heard Him say "there's no Robinson working here." The desk Man called back and said "is there a man there with a brown Hat with a short rim", Pat said yes but He said His name is Muckelvene. Desk Man said did He have ID, Pat said He would not show it to me. Desk Man said check the mans ID, Pat said OK. I went back with Pat to check the mans ID. Pat ask the man for some ID and the Man said "I told you who I was and I am not showing any ID so hit the road. Pat said dont cause trouble show us some ID, the Man said If you dont belive me see my boss. Pat said I am asking you for ID not your boss. The Man said thats to bad I told you I was Muckelvene and not Robinson and I am not showing you any ID. Pat said I am not asking you but once more for some ID and then I am taking you to jail, the man jumped up to his feet and picked up a hammer and said I am not Robinson get the Hell out of here. Pat and I pulled our Guns and Pat said there's no need for trouble put that hammer back down before I blow your Brains all over that wall. The man put the hammer down and Pat got his hands on the Man and pulled Him off the Scaffold. The Man said you have Fucked up now you Mother Fuckers. I said cool down Man lets go you wount show us no ID. then the fight started, Pat had the Man arround the Head and the Man grabbed Me by my right arm and I knocked the Mans hand loose with my left and Hit him in the head with my convoy (black jack) and knocked him down and put the handcuffs on him and put the Man in Pats car where he called us son of bitchs and Mother Fuckers.

I Don't ever remember Pat or Myself saying any bad words to the Man. The Man did say that we were down on Blacks and was picken on Him. We then took the Man to the Hospital to get his Head fixed and He did not give us any more trouble after we got him away from the Mountaineer Steak House. After we got the Man to the Hospital we looked in his wallet in his back pocket and found his drivers license with the name Muckelvene. The Man (Mr. Muckelvene) was Charged and put in Jail under The Charge of Obstruction Of a Police Officer

Pfc. O.G. Bodenhamer

ON MAY 4, 1974 WHILE WORKING AMBULANCE, WE RECEIVED A CALL TO THE MAGISTRATES OFFICE. UPON ARRIVAL I FOUND 2 BLACK FEMALES. (1) WAS SITTING IN A CHAIR, COMPLAINING OF CHEST PAINS, AND PAIN IN RT. ARM, I WAS COMPLING OF HER ARM BEING BROKEN. (2) FEMALE WAS COMPLAINING OF HYPERTENSION. AFTER MAKING A THOUGH EXAMINATION I COULD NOT FIND NO EVIDENCE OF EXTERNAL WOUNDS, OR BROKEN BONES. AFTER ADVISING PATIENTS THAT I COULD FIND NOTHING WRONG I ADVISED TO BE SURE THEY OK, THEY SHOULD GO TO THE HOSPITAL TO BE CHECKED BY A physician. BOTH REFUSED AMBULANCE SERVICE. THE ASHEVILLE POLICE DEPT WAS VERY COOPERATIVE, AND THEY ADVISED THE SUBJECTS, THAT THEY SHOULD BE CHECKED BY A PHYSICIAN.

JJ Causey

July 19, 1974

[redacted]

Re: James Booker, Richard White, Dora Lee White, Lela Miller

On May 19, 1974, Officer P. E. Ingle and myself,(H. L. Kyle), were in the magistrates office in the courthouse following up on an arest of James Booker who was placed in jail, on charges of Driving while License revoked, and presenting a ficiticus license. A black female later identified as Dora Lee White came into the magistrates office with a B/F and a B/M wanting to know why Mr. Booker was arrested. Officer Ingle iformed her of the charges, and the magistrate Jack Tuckeridge informed her of the amount of bond. Mrs. White became very beligerant, making references as to the effect that we only arrested him because he was black, and we were white. Officer Ingle asked her if she was the owner of the vehicle, and if she knew Mr. Booker had a license. She replied that she was the owner, and that she knew he didn't have a license, but that he wasn't driving. Earlier, when we arrested Mr. Booker, we had been operating a checking station and observed Mr. Booker operating a vehicle, saw his vehicle pull over before he reached the checking station on N. C. 91. He got out from behind the wheel, went and got into the back seat, and proceeded thru the station.

Officer Ingle, asked Mrs. White for her drivers license, she replied [redacted]hat the hell do you want my license for". Officer Ingle stated that was going to issue her a citation for Allowing a person to operate a motor vehicle w/o license. She stated that she would not accept a ticket at which time officer Ingle informed her that she was under arrest, and to sit down. Mrs. White cussed officer Ingle, and said that he couldN&t put her in jail, and that he was picking on her because she was black. and she was going to leave. Officer Ingle reached for her as she was going out the door, and she began struggling. I went to his assistance, and we [redacted] handcuff the subject. At this time the other two subjects began to pull officer Ingle off of her, and Mr. White struck me in the back of the neck. The other woman began to pull at me, and scratch me. She than broke and ran, and I went after her. I chased her out of the courthouse and down College St. to Hendon Funeral home parking lot. There I pulled my Mace, and stated that I was going to shoot her with Mace if she didn't calm down. Officer J. W. Moore, arrived on the scene, and the Miller subject walked into the courthouse. She had already been placed under arrest. Mr. White came out and asked me what the hell did I think I was doing, and I informed him he was under arrest also. He than began to ask me not to put him in jail, and at which time, I told him that he had had his chance, and I was tired of this xxxxx stuff, and that it was too late. When we got back into the magistrate office, pandemonium broke loose, with everybody cursing because Officer Ingle had Mrs. White sitting in a chair handcuffed.. All subjects were placed in jail, and later released on bond.

[redacted] At no time did I pull my gun, or threaten to shoot her, and also did not say that I would whip Mr. whites ass.

Respectfully

H. L. Kyle

RAYMOND STEPP - ASHEVILLE CENTRAL LABOR UNION - REQUEST FOR UNION LABORERS

Mr. Raymond Stepp, Vice-President of the Asheville Central Labor Union, read a letter to Council requesting that all future municipal buildings be constructed by "fair" contractors who employ local union craftsmen.

Mayor Wood instructed the City Clerk to include the letter in the minutes. The following is the text of the letter.

The Honorable RICHARD A. WOOD, Jr. 22 August, 1974
Mayor, City of Asheville
Municipal Building
Asheville, N.C. 28801

Dear Mayor Wood:

On behalf of the working men and women of Asheville who belong to unions affilliated with the Asheville Area Central Labor Union, and on behalf of all the taxpayers of the community who must ultimately foot the bill on municipally-controlled construction, I would call the attention of the Asheville City Council to a news release forwarded today to all area news media by the Asheville Building & Construction Trades Council. (See copy attached)

The nineteen crafts and trades represented in the Building & Construction Trades Council are also affilliated with the Asheville Area Central Labor Union. I have the honor to serve as Vice President of that organization, as well as holding the position of Business Agent for Plumbers & Steamfitters Local 487, one of the crafts belonging to the Building & Construction Trades Council.

The entire membership of the Central Labor Union -- industrial workers as well as members of the crafts and trades -- strongly support the basic position on this issue of the Building & Construction Trades Council. We feel that it can be demonstrated (as Council President Don Fox alleges in his news release) that the City could achieve better construction, built faster and at lower total labor cost, by relying on "fair" contractors employing local union labor.

There is another benefit from going "union" on such construction: "fair" contractors employ local union craftsmen, and their wages remain in the community, ultimately benefitting the entire community. On the other hand, "scab" labor employed by non-union contractors is often recruited from outside the area, and the bulk of such wages is spent outside the local area.

The Central Labor Union joins the Building & Construction Trades Council in urging the City of Asheville -- and all other levels of government having dominion over publicly-financed construction -- to give priority consideration to contracting with "fair" contractors employing union labor on all future construction.

(more)

CITY OF ASHEVILLE

ASHEVILLE, NORTH CAROLINA

August 22, 1974

OFFICE OF
CITY MANAGER

MEMORANDUM TO: J. C. Hall
Chief of Police

FROM: Ernest J. Ward
City Manager

SUBJECT: Improving Arrest Procedures

The following steps are to be taken by the Police Department to improve arrest procedures:

1) Officers will receive additional training, both on an entrance and an in-service basis, relative to arrest approach with special emphasis on the elimination of abusive language.
2) Any personal injury requiring medical attention as a result of a policeman acting in the line of duty will be documented by the Chief of Police and forwarded to the City Manager for his information.
3) Review of Police Department entrance requirements and screening procedures.

Ernest J. Ward

ALL-ASHEVILLE LIVING

Thursday - August 29, 1974- 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding: Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of the August 22, 1974 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, the minutes of the August 22, 1974 meeting were approved as submitted.

PUBLIC HEARING - ORDER AUTHORIZING $825,000 PARKING BONDS

2. The Mayor announced that this was the date and hour fixed by the Council for the public hearing upon the order entitled: "ORDER AUTHORIZING $825,000 PARKING BONDS" and that the Council would immediately hear anyone who might wish to be heard on the question of the validity of said order or the advisability of issuing said bonds.

Mayor Wood opened the public hearing at 3:04 o'clock p. m.

The City Manager read the notice to the public and affidavit of publication setting the date and hour for the public hearing.

No one appeared, either in person or by attorney, to be heard on the question of the validity of said order or the advisability of issuing said bonds and the City Clerk announced that no written statement relating to said question had been received.

Mayor Wood closed the public hearing at 3:09 o'clock p. m.

Thereupon, upon motion of Councilman Morris, seconded by Vice-Mayor Marshall and carried, the order introduced and passed on its first and second readings on August 15, 1974 entitled: "ORDER AUTHORIZING $825,000 PARKING BONDS", was read in full a third time and placed upon its final passage. The vote upon the final passage of said order was:

Ayes: Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Vice-Mayor Calvin W. Marshall.

Noes: None

The Mayor then announced that the order entitled: "ORDER AUTHORIZING $825,000 PARKING BONDS" had been adopted.

The City Clerk was thereupon directed to publish said order once in The Asheville Times, together with the appended statement, as required by The Local Government Bond Act, as amended.

Hopefully, we all learned a lesson from our experience on the Civic Center, but we'll be living with the results of that mistake for years to come! This makes it all the more imperative that the library and parking complex adjacent to the Civic Center, and other pending construction in the public sector, go to union workers.

The potential benefits in higher quality construction, timely completion of the job, reduced waste and spoilage of materials, lower labor costs on the project, and increased economic impact of the union construction wages on the local economy are obvious!

I call upon the Mayor and the City Council to exert every effort to "go union" in all future construction undertaken by the City of Asheville, and remind you that there is no statutory requirement that every contract go to the apparent low bidder when there are other substantial considerations involved.

I suggest to you that the superior performance of union craftsmen, and the positive effect of their wages on the local economy, constitute such a "substantial consideration".

Yours for better building through Union Labor!

Sincerely,

ASHEVILLE AREA CENTRAL LABOR UNION

Raymond B. Stepp

RBS:mr

RAYMOND B. STEPP
Vice President

ENCL: AB&CTC News Release

Adjournment.

Richard A. Wood, Jr.
MAYOR

Norman J. Mecca
CITY CLERK

TO THE MAYOR AND THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

As the owner of a number of residential lots in Beverly Hills Subdivision, I am writing to recommend that the City Council approve the request of Mr. Perry M. Alexander to rezone his property lying across the highway from the Municipal Golf Course from Roadside Business to Commercial.

In my opinion, the improvement which he proposes to construct on his property would be a definite asset to the area and would prevent possible development of this property by small businesses which might adversely affect both the golf course and residential properties in Beverly Hills.

Very truly yours,

s/ Francis J. Heazel

Francis J. Heazel

Mr. C. V. Holmes, 207 Fairway Drive, stated that the residents of Beverly Hills objected to the rezoning on N. C. Highway 81 and presented a petition signed by about 75 residents asking Council not to rezone the property. Mayor Wood instructed that the text of the petition be entered in the minutes.

The following is the text of the petition:

PETITION TO THE ASHEVILLE CITY COUNCIL

The following residents of Beverly Hills, Asheville, petition the Asheville City Council not to allow the mile-long stretch along Route 81 and opposite the Municipal Golf Course to be rezoned to Commercial property:

Mr. Donald Stevenson, 7 Stockridge Place, presented photographs showing the properties in question. He said photographs indicated the inability to expand the present buildings and the property owners were supporting Mr. Alexander's request only because it would not affect them. He said the residents of Beverly Hills are opposed to the rezoning because of the additional noise and traffic that would be added to the area. He also said this area was in the flood plain and it was unwise to build in flood prone areas.

Mr. Tom O'Conner, 32 Kensington Drive, asked what kind of truck traffic would be involved in the proposed business. He was advised that the proposed business would be wholesale storage.

Mr. Robert Brown, 3 Stockridge Place, asked if Council had considered purchasing this property for a park.

Mr. Tom Buchanan, 14 Governor's Court, said he felt a building of this type would add to the flood danger by obstructing the drainage area.

Councilman Morris commented that in his opinion the proposed business would create less traffic and noise than most businesses permitted under present zoning.

PUBLIC HEARING - REZONING N. C. HIGHWAY 81

ORDINANCE NO. 817 - AN ORDINANCE AMENDING ORDINANCE NO. 322,KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

3. A public hearing was held relative to rezoning property on N. C. Highway 81 from Roadside Business and Neighborhood Trading Area to Commercial, owned by Perry Alexander and others.

Mayor Wood opened the public hearing at 3:10 o'clock p. m.

The City Manager read the notice to the public and affidavit of publication setting the time and date for the public hearing.

Verl Emrick, Director of Planning, reviewed the background of rezonings in this area stating that past actions had created a series of spot zones along this portion of N. C. 81 and that while these actions were not at the time of enactment illegal they did not conform to sound land use controls. He said the staff had presented the Commission with the following alternatives:

1) To grant the petitioner's request and rezone the area Commercial;

2) To deny the request and leave the property zoned as it is now; or

3) To deny the request and extend either the Roadside Business Area or Neighborhood Trading Area zones to eliminate the existing spot zones.

Mr. Emrick told Council that the staff favored alternative 3, however, the Commission voted to accept the staff report, Alternative 1, and to recommend to Council that the property be rezoned to Commercial.

Upon questioning from Councilman Colton, Mr. Emrick advised that most of the buildings in the area were non-conforming; that the only setback requirement in a Commercial zone would be an 8' buffer zone when the property adjoins a residential zone, which would allow a building to be placed up to the property line in the front; and that State Highway traffic counts indicated that the highway is now operating in excess of its capacity.

Mr. Harold Bennett, attorney for Mr. Alexander, stated that Mr. Alexander had previously deeded a strip of land in this area to the City which perhaps could have a bridge built across the river in order to get to the Recreation Park. He said Mr. Alexander would deed more property to the City to be used for greenbelt planting. He said this property is presently zoned subject for sale for a business use which might be detrimental to the residents of the Beverly Hills Area and that if the property is rezoned it would be sold to a well known wholesale appliance dealer. He said the business would not attract additional traffic nor create unnecessary noise.

Mayor Wood stated that a letter had been received from Mr. Francis J. Heazel who favored rezoning the property in this area. Mayor Wood instructed the City Clerk to include the letter as part of the minutes of the meeting.

The following is the text of the letter:

REZONING REQUEST - CORA JENNINGS - JOHNSON BOULEVARD

6. Consideration was given to a recommendation from the Planning and Zoning Commission relative to rezoning property on Johnson Boulevard for Cora Jennings.

The City Manager read the recommendation from the Planning and Zoning Commission, which recommended that the request be denied and the property remain as it is now zoned. He said the petitioners had been notified of the Commission's recommendation and had notified the City Clerk's office that they did not elect to request a public hearing.

In the absence of a request for a public hearing Mayor Wood declared the petition denied.

RESOLUTION NO. 74-127 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE EXTENDING ALONG S. R. 2002 AND CROSSING U. S. 70

7. Consideration was given to a resolution authorizing Mayor to execute right-of-way encroachment agreement with the North Carolina State Board of Transportation for water line extending along S. R. 2002 and crossing U. S. 70.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, Resolution No. 74-127 was unanimously adopted.

Complete text of Resolution No. 74-127 will be found in Resolution Book No. 7 at page 321.

REZONING PETITION - WARD 7, SHEET 18, LOT 125 - 698 HENDERSONVILLE ROAD

8. The City Manager presented a rezoning petition received from C. F. and R. B. Williams requesting that Lot 125, Sheet 18, Ward 7, be rezoned from RA-5 Residential to Neighborhood Trading Area.

In the absence of any objections from members of Council, Mayor Wood referred the petition to the Planning and Zoning Commission for study and recommendation.

CLAIM - MR. ROY WILSON

9. The City Manager presented a claim for damages received from Mr. Roy Wilson.

Mayor Wood referred the claim to the Corporation Counsel for disposition.

SUMMONS AND COMPLAINTS RECEIVED - MASSAGE PARLORS

Mayor Wood stated that Council had been served with a summons and complaints for Civil Action A-74-93 involving the recently passed ordinance governing massage parlors and health salons.

Mayor Wood referred the complaints to the Corporation Counsel.

Mayor Wood closed the public hearing at 4:01 o'clock p. m.

The City Manager read the ordinance which would amend the zoning ordinance and rezone the property in question.

Councilman Morris moved for the adoption of the ordinance. This motion was seconded by Councilman Ochsenreiter.

Councilman Colton stated that the property owners' effort to prevent spot zoning by having all of the property included on the rezoning petition instead of just the Alexander property might be worse than spot zoning. He said that under the Commercial zoning, as proposed, future buildings might go almost to the road, and if the road has to be widened then the golf course will be the only land available and that the City would be called on to furnish the right of way.

On a roll call vote of 4-2, Ordinance No. 817 passed on its first reading, with Councilmen Colton and Horton voting "no".

RESOLUTION NO. 74-126 - RESOLUTION ESTABLISHING DEVELOPMENT PERMIT FEES PURSUANT TO SECTION 8-83 OF ORDINANCE NO. 813 (CITY OF ASHEVILLE EROSION CONTROL ORDINANCE)

4. Consideration was given to a resolution establishing development permit fees pursuant to Section 8-83 of Ordinance No. 813 (City of Asheville Erosion Control Ordinance).

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, Resolution No. 74-126 was unanimously adopted.

Complete text of Resolution No. 74-126 will be found in Resolution Book No. 7 at page 319.

RESOLUTION NO. 74-127 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO SIGN AN OPTION TO SELL THE PROPERTY ON THE CORNER OF BARTLETT STREET AND NELSON STREET (FIRE STATION NO. 2) TO THE ASHEVILLE HOUSING AUTHORITY

5. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to sign an option to sell the property on the corner of Bartlett Street and Nelson Street (Fire Station No. 2) to the Asheville Housing Authority.

The City Manager read the resolution and explained that this resolution would allow the Asheville Housing Authority to purchase this property under the East Riverside Urban Renewal Plan. He said this sell would be made with the understanding that the option is conditioned upon the City being permitted by lease agreement to continue using the Fire Station and property until the new fire station is completed in the East Riverside Urban Renewal Area.

Upon motion of Councilman Hoyle, seconded by Councilman Horton, Resolution No. 74-127 was unanimously adopted.

Complete text of Resolution No. 74-127 will be found in Resolution Book No. 7 at page 320.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr. and Henry Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Calvin W. Marshall and Eugene C. Ochsenreiter, Jr.

1. Approval of the minutes of the August 29, 1974 meeting.

Upon motion of Councilman Colton, seconded by Councilman Horton, the minutes of the August 29, 1974 meeting were approved as submitted.

ORDINANCE NO. 817 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, AS AMENDED.

2. Consideration was given to the second reading of Ordinance No. 817, an ordinance amending the City Zoning Ordinance as to property on N. C. Highway 81 belonging to Perry A. Alexander,Jr.

Mrs. Irene Fry, 195 Fairway Drive, spoke in opposition to the rezoning. It was her contention that the improvements proposed for the property would further the danger of flooding in this area.

At this time, 3:12 o'clock p.m., Councilman Ochsenreiter took his regular seat.

Mr. Donald Stevenson, 7 Stockridge Place, who spoke in opposition to the rezoning at the previous meeting voiced his concern over the increase in the noise potential and the impact the proposed construction would have on the residential Beverly Hills area and the city owned Recreation Park.

Mr. Ray Hilton, 9 Sourwood Lane in the Oteen area, read from a prepared statement in which he opposed the rezoning. He said the natural beauty of the area and the entrance to the Recreation Park should be protected. He suggested that Mr. Alexander donate the property to the city in order that both could be accomplished.

Mr. Glen Kelley, attorney for Mr. Alexander, advised Council that his client had received a letter from the real estate agency representing the business firm that would occupy the property, in which they stated that their operations would be from 8:00 a.m. to 5:00 p.m. during the week, with no outside storage and no night deliveries.

PROCLAMATION - SEPTEMBER 3, 1974 - UNITED WAY BOOTS RANDOLPH DAY

Mayor Wood proclaimed September 3, 1974 as United Way Boots Randolph Day.

MRS. ROY ROGERS - TRANSPORTATION FOR SENIOR CITIZENS - HIGH WATER BILL

Mrs. Roy Rogers asked Council when the Senior Citizens would be getting transportation.

Mr. Ken Michalove, Assistant City Manager, informed her that this project was now being worked on and would appear on Council's agenda in the next two weeks.

She also filed a complaint regarding a high water bill.

Mayor Wood instructed the City Manager to check into the complaint.

LEAGUE OF WOMEN VOTERS

Mrs. Tennant, League of Women Voters, commended Council for passing the Erosion Control Ordinance.

ASHEVILLE MALL - SATURDAY GARBAGE PICK UP

Mr. Stewart Coleman, representing the Asheville Mall, complained about the garbage pick up being stopped on Saturdays. He said each individual store at the Mall had a compactor that needed to be picked up daily. Not having a Saturday pick up created a problem and he asked Council to see what could be done about picking up the garbage on Saturdays. He said they would be willing to pay for the extra pick up.

Mayor Wood instructed the City Manager to check into the matter.

WEST ASHEVILLE PARK - COMPLAINT

Mr. Henry Jackson, 16 Talmadge Court, spoke to Council in opposition to the location of the proposed park in West Asheville. He said that since the last meeting petitions in opposition had been circulated and would be presented to Council in the near future. He cited traffic, no sidewalks, poor location, inadequate land area and noise as reasons for the opposition.

Councilman Colton was excused from the meeting at 5:00 o'clock p. m.

Mr. Jackson asked Council to review the proposal further before the final purchase of the property.

Mayor Wood stated that at the last meeting Council, upon motion, had approved the purchase of the property and in the absence of a motion to rescind this action it would have to stand.

Adjournment.

Richard D. Wood
MAYOR

Marian S. McElroy
CITY CLERK

Mayor Wood called a 5 minute recess at 4:22 o'clock p.m.

RESOLUTION NO. 74-129 - A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 1 TO FAA LICENSE NO. DOTFA72S0-6029 COVERING THE ALS/ILS FACILITY AT ASHEVILLE MUNICIPAL AIRPORT

3. Consideration was given to a resolution authorizing the Mayor to execute Supplemental Agreement No. 1 to FAA License No. DOTFA72S0-6029 covering the ALS/ILS facility at Asheville Municipal Airport.

The City Manager presented the resolution and explained that this was for the purpose of locating the Localizer in connection with the installation of an ILS system for runway 16 at the Asheville Airport.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 74-129 was unanimously adopted.

Complete text of the Resolution may be found in Resolution Book 7, Page 322.

RESOLUTION NO. 74-130 - A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 1 to FAA LEASE NO. DOTFA71S0-6028 COVERING THE ATCT/SFO FACILITY AT ASHEVILLE MUNICIPAL AIRPORT

4. Consideration was given to a resolution authorizing the Mayor to execute Supplemental Agreement No. 1 to FAA Lease No. DOTFA71S0-6028 covering the ATCT/SFO Facility at the Asheville Municipal Airport.

The City Manager presented the resolution and explained that the supplemental lease agreement covered certain improvements already completed by the City to the quarters occupied by the FAA at the Asheville Airport. It further covered the agreement of the FAA to reimburse the City for portions of the cost for these improvements.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, Resolution No. 74-130 was unanimously adopted.

Complete text of Resolution 74-130 will be found in Resolution Book 7 at page 323.

REZONING REQUEST - PROPERTY OF MR. & MRS. SHUFORD HALL, MR. JESSIE P.SURLES AND MR. B. G. O'KELLEY

5. The City Manager reported to Council that he had received a communication from the Planning and Zoning Commission stating that they had considered the request for rezoning the property of Mr. & Mrs. Shuford Hall, Mr. Jessie P. Surles and Mr. B. G. O'Kelley being Lots 96, 97, 7, 9 1/2, 10 1/2 and 8 1/4, Ward 2, Sheet 17 to be rezoned from RA-9 to RA-M, or that Lots 96, 97, 7, 9 1/2, 10 1/2 and 8 1/4 together with Lots 16, 185, 193, 15 3/4, 15 1/2, 192, 93, 94, 95 and 14, Ward 2, Sheet 17 be rezoned to RA-8 Residential District.

Councilman Colton questioned Mr. Kelley as to whether the conditions stated would be included in the deed and Mr. Kelley said he was sure they would not.

Mrs. Marjorie Lockwood, 57 Stuyvesant Road, Biltmore Forest, spoke in opposition to the rezoning on the grounds of the environmental impact and erosion control aspects of the proposed development.

Councilman Morris pointed out that there were many uses under the present zoning that the property could be put to, uses which the residents might find more objectionable than the proposed warehouse. He said that when the property was rezoned three years ago Mr. Alexander promised to be careful what kind of business he would allow to be placed on the property. He said he felt Mr. Alexander had lived up to this promise and a refusal by Council to rezone at this time would release Mr. Alexander from this commitment.

Councilman Hoyle stated that he was familiar with the business that proposed to construct the wholesale warehouse on the property and that it was a business of long standing in the community, that he felt would not be objectionable.

Councilman Ochsenreiter stated that he had inspected the property and in spite of all the objections that had been discussed he was satisfied that the improvements proposed for this property was the best use.

Councilman Colton said that he felt that a better use of the property would be for park development and asked if this use had not been proposed at one time. Mr. William Peyton, Chairman of the Parks & Recreation Board, was in the audience and spoke to this point. He advised Council that the board had considered this property as a link between the Municipal Golf Course and the Recreation Park, but due to insufficient funds and other priorities it was not recommended.

Councilman Colton then stated that when Council rezoned the property from Residential to Roadside Business it raised the price of the land, that if Council rezoned it to Commercial it would again raise the price and if the City had any ideas of purchasing it for park purposes it would have to pay for it in the long run. He said he felt that the City should consider purchasing the property at a fair market value as it is now zoned.

Councilman Horton expressed concern over the absence of the other petitioners favoring the rezoning. He said he thought it would be a mistake to rezone the entire strip as proposed in the petition.

Mrs. Barbara Keleher stated she did not favor the rezoning because she opposed development of any kind in the flood plain.

Mayor Wood called for a roll call vote and Ordinance No. 817 passed 3-2 on the second reading. Councilmen Ochsenreiter, Morris and Hoyle voting "aye" and Councilmen Colton and Horton voting "no".

REQUEST FOR STATUS OF COST OF GARBAGE COLLECTION AND TAX FIGURES

Councilman Horton requested status of cost of garbage collection and figures on taxes.

Councilman Horton asked the City Manager the status of a report of the cost savings on the collection of solid waste provided TVA participants as suggested a few weeks ago. Mr. Ward advised that the report was complete and available at any time.

Councilman Horton requested figures on the property tax base for 1974 and per cent of taxes collected through June 1974. Mr. Ward acknowledged this request.

CONDITION OF AREA ALONG SWANNANOA RIVER OPPOSITE MUNICIPAL GOLF COURSE

Councilman Ochsenreiter commented on the deplorable conditions existing in and around the business establishments along the Swannanoa River opposite the Municipal Golf Course. He asked the City Manager to have the inspection department investigate and if possible make an effort to correct the situation.

PETITION - PROPOSED PARK IN WEST ASHEVILLE

Mr. Henry Jackson, 16 Talmadge Court, presented a petition signed by residents in the vicinity of the site of the proposed park in West Asheville. This petition was in opposition to the site selected for the park and is on file in the Office of the City Clerk. Mr. Jackson stated that additional signatures were being solicited and would be presented at the next meeting. He requested that the regular meeting of the Parks and Recreation Board scheduled for Wednesday, September 11, 1974, at 3:00 PM be changed to September 10, 1974, at 7:00 PM. He said this would be more convenient for the area residents.

Mayor Wood asked Mr. Kisiah and Mr. Peyton to make every effort to work out this request.

COMPLAINT - MR. OSBORNE S. HART

Mr. Osborne S. Hart, 148 Blanton Street, owner of Wilkins-Hart Mortuary on South French Broad Avenue, told Council that the Asheville Housing Authority was harassing him in order to obtain possession of his business property on which to construct a second high rise apartment. He stated that he had to run contractors and surveyors off his property on several occassions and that at the present time he was being denied a privilege tax license to sell caskets. He said in the past he had been able to obtain this license and he accused the Housing Authority of being behind his being denied the license at this time.

Mayor Wood instructed the City Manager to investigate the refusal of the privilege license to Mr. Hart and to report back to Council.

He said it was the commissions recommendations to deny the request and that the property remain as presently zoned.

He further reported that he had received a notice from the petitioners requesting a public hearing before Council.

Councilman Morris moved to set the public hearing for October 3, 1974 and that the required notice of the hearing be published at the petitioners expense. This motion was seconded by Councilman Hoyle and carried unanimously.

REZONING REQUEST - PROPERTY OF C. F. WILLIAMS

6. The City Manager read a communication from the Planning and Zoning Commission advising Council that they had considered the rezoning request of Mr. C. F. Williams, that a portion of Lot 125, Ward 7, Sheet 18 be rezoned from RA-5 Residential District to Neighborhood Trading Area, and that they recommended approval of the request.

Councilman Morris moved that the public hearing be scheduled for September 26, 1974 and that the required notice of the hearing be published at the petitioners expense.

This motion was seconded by Councilman Hoyle and carried unanimously.

GROUP DEVELOPMENT REVIEW - ASHEVILLE HOUSING AUTHORITY PROJECT 7-7 FOR ELDERLY

The City Manager read a communication from the Planning Commission advising that they had reviewed the site plan of Project 7-7 for the Elderly to be located on South French Broad Avenue and recommended approval with the condition that Council grant a waiver on the required parking from 88 spaces to 53 spaces, and that they meet the requirements of the Erosion Control Ordinance.

Councilman Morris moved that the public hearing be scheduled for September 26, 1974. This motion was seconded by Councilman Hoyle and carried unanimously.

CLAIM FOR DAMAGES - MRS. ELIZABETH GAGE

The City Manager reported a notice of claim for damages received from Mrs. Elizabeth C. Gage, 215 South Liberty Street. Mayor Wood instructed him to turn the claim over to the Corporation Counsel.

REPORT OF SATURDAY GARBAGE COLLECTION AT THE ASHEVILLE MALL

The City Manager reported that he was still working on a solution to the Saturday garbage collection at the Asheville Mall. He said he was in contact with the owner and hoped shortly to arrive at a solution.

Thursday, September 12, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., J. W. Hoyle, Bill B. Horton, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/ City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of the September 5, 1974 meeting.

Councilman Horton noted that at the last meeting he requested figures on the per cent of taxes collected through June, 1974 and that the minutes indicated the date as June, 1973. This correction was acknowledged and upon motion of Councilman Morris, seconded by Councilman Hoyle, the minutes of September 5, 1974 meeting were approved as submitted.

PUBLIC HEARING - ADOPTION OF AMENDMENTS TO THE NORTH CAROLINA STATE BUILDING CODE, VOLUME I, GENERAL CONSTRUCTION, 1967 EDITION

ORDINANCE NO. 818 - AN ORDINANCE AMENDING SECTION 8-1 OF CHAPTER 8, ARTICLE I OF THE CODE OF ORDINANCE, ENTITLED STATE BUILDING CODE ADOPTED

2. A public hearing was held to consider the adoption of an ordinance amending Section 8-1 of Chapter 8, Article 1 of the Code of Ordinances, entitled State Building Code Adopted.

Mayor Wood opened the public hearing at 3:03 o'clock p. m. and asked the City Manager to read the notice to the public and affidavit of publication setting the time and date for the public hearing.

J. E. Johnson, Chief Building Inspector, explained to Council that the ordinance under consideration was the result of certain changes made by the State Building Code Council in the State Building Code. He said that since the City uses this code, the passing of the ordinance would be a means of updating the City's Code and the inspection department's authority for enforcement.

Mayor Wood closed the public hearing at 3:06 o'clock p. m.

The City Manager read the prepared ordinance amending Section 8-1 of Chapter 8, Article I of the Code of Ordinances, entitled State Building Code adopted.

Councilman Colton moved for the adoption of the ordinance which was seconded by Councilman Horton.

On a roll call vote of 6-0, Ordinance No. 818 passed on the first reading.

PUBLIC HEARING ON ASHEVILLE HOUSING AUTHORITY SITE PLAN DEFERRED

During the discussion of the Osborne Hart complaint it was brought out that the Housing Authority did not have possession of the property on which they propose to construct Project 7-7 for the Elderly. In lieu of this fact, Councilman Morris suggested that the public hearing previously scheduled to consider the approval of the site plan for this project should be deferred.

Council being in agreement, Councilman Morris moved to defer the public hearing to consider the approval of Project 7-7 for the Elderly from September 26, 1974 to an undetermined future date. This motion was seconded by Councilman Hoyle and carried unanimously.

PUBLIC HEARING ON REZONING REQUEST OF THE HALL, SURLES AND O'KELLEY PROPERTY

With the deferment of the public hearing on Project 7-7 for the Elderly, Councilman Horton moved to reschedule the public hearing of the rezoning matter on the Shuford Hall, B. F. O'Kelley and Jessie Surles property previously set for October 3, 1974 to September 26, 1974. This motion was seconded by Councilman Morris and unanimously adopted.

Adjournment.

Richard D. Wood, Jr.
MAYOR

William S. McNeely
CITY CLERK

Councilman Horton raised the point that the planning staff did not approve of the rezoning and asked that Mr. Emrick review the staff report. Mr. Emrick said that the staff recommended three alternatives for the Commission to consider:

1. To grant the petitioner's request and rezone the area Commercial;

2. To deny the request and leave the property zoned as it is; or

3. To deny the request and extend either the Roadside Business Area or Neighborhood Trading Area zones to eliminate the existing spot zones.

Mr. Emrick said the staff favored the third alternative.

Councilman Horton said he did not object to the construction proposed by Mr. Alexander, but he felt that the extension of the Commercial zone along the entire strip would open the door to an extensive development in this area.

At the conclusion of the discussion, Mayor Wood called for a roll call vote and Ordinance No. 817 passed on the third and final reading with Councilman Ochsenreiter, Councilman Morris, Vice-Mayor Marshall, and Councilman Hoyle voting "aye" and Councilman Colton and Councilman Horton voting "no".

Councilman Colton suggested that the City should restrict parking on the golf course side of Highway 81 if this parking was being done on City property.

Complete text of Ordinance No. 817 will be found in Ordinance Book No. 6 at page 116.

RESOLUTION NO. 74-131 - RESOLUTION ENDORSING AND/OR APPROVING PROPOSAL BY THE FIRST BAPTIST CHURCH MEDICAL COMMITTEE TO PROVIDE MINIMAL HEALTH CARE SERVICES TO MODEL NEIGHBORHOOD RESIDENTS

5. Consideration was given to a resolution endorsing and/or approving proposal by the First Baptist Church Medical Committee to provide minimal health care services to Model Neighborhood Residents.

The City Manager read the resolution.

Dr. Theodore Stevenson stated that with the discontinuance of the Model Cities Consolidated Health Project the First Baptist Church had proposed to consolidate some health services for Model Neighborhood residents with their outreach program and that the funds proposed in the resolution would supplement these services. He said that the program would run for at least one year with the possibility of an extension if funds were available. He emphasized that the funds would be dispensed through the City rather than the First Baptist Church. He said that the staff would see about 30 patients a day on a two to three day schedule.

PUBLIC HEARING - GROUP DEVELOPMENT REVIEW - HILLHAVEN CONVALESCENT CENTER, INC.

3. A public hearing was held to consider the approval of the site plan for the Hillhaven Convalescent Center, Inc. to be located at Livingston Street and Victoria Road.

Mayor Wood opened the public hearing at 3:07 o'clock p. m. and asked the City Manager to read the notice to the public and the affidavit of publication setting the time and date for the public hearing.

Verl Emrick, Director of Planning, advised that the Planning and Zoning Commission had reviewed the plan and recommended approval. He then reviewed the plan with Council.

Vice-Mayor Marshall moved to approve the site plan as submitted. This motion was seconded by Councilman Hoyle and carried unanimously.

ORDINANCE NO. 817 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

4. Consideration was given to the third reading of Ordinance No. 817, an ordinance amending the City Zoning Ordinance as to property on N. C. Highway 81 (Swannanoa River Road).

Mayor Wood announced that the ordinance had previously been read in its entirety and unless he had a specific request it would not be re-read again.

Mr. Donald Stevenson, 7 Stockridge Place, who had voiced his opposition to the rezoning at the previous meetings,spoke briefly on the impact the rezoning would have on the Beverly Hills area with respect to increased noise and traffic but emphasized the risk of allowing the construction of a building in the flood plain. He asked that the City consider postponing the final reading until a thorough plan could be developed for the area.

Mrs. Pauline Tennant, representing the League of Women Voters, read a statement expressing the League's opposition to any construction in the flood plain and for that reason they opposed the rezoning.

Mr. Harold Bennett, representing Mr. Alexander, the owner of the property in question, stated that the Planning and Zoning Commission did not recommend disapproval of the rezoning in 1974, and only turned it down in 1971 because they thought that a floodway zoning ordinance would be enacted and this property would be affected. He argued that floodway zoning should not be injected into Mr. Alexander's request for the rezoning of his property.

Councilman Ochsenreiter stated that he had reviewed the plans and had visited the site and said he was impressed that there would be no outside storage and that the plans called for considerable outside planting. He said that it had been determined that the river would have to rise more than nine (9) feet before the building would be affected.

He said this would increase the rates from $1.25 for the first mile to $1.35 and each additional mile from 50¢ to 60¢.

The petition further requested that Section 27-52 be amended by adding the following:

"However, the Chief of Police, immediately upon receipt of the application, may issue a temporary license, expiring in not more than ten days, provided the applicant has no criminal record";and that Section 27-53 be amended by adding the following:

"When a license to drive a cab is issued under this article, such license shall be restricted to the operation by said licensee of a cab or taxicab owned by the person, firm or company for whom the applicant proposes to work."

He said that these amendments would be of assistance to the owners in their operations.

Mayor Wood instructed the Corporation Counsel to compile a list of rates from other cities and to prepare an ordinance reflecting the request for Council's consideration at next weeks meeting.

CITY MANAGER'S REPORT - WILKINS-HART MORTUARY

The City Manager in reporting on a complaint received from Osborne Hart in that he had difficulty obtaining a license to sell caskets and coffins for his business, the Wilkins-Hart Mortuary, read two memorandums from the Collector of Revenue, F. W. Bradley. Mr. Bradley explained that the original license was issued to the Wilkins Mortuary to sell caskets and coffins at 449 Depot Street, since the location of the mortuary at 159 S. French Broad Avenue was in a residential zone and as such was restricted for retail sales. He said that through 1970 the license continued to be issued for 449 Depot Street at which time someone in the Tax Department changed the address on the license to 159 S. French Broad Avenue and the license, in error, continued to be issued at this address. However, in April of 1974 the error was discovered and Mr. Hart was advised that the license could no longer be issued at this address and that he would have to obtain a new business location for the sale of his merchandise. Mr. Hart followed this advice and has now been issued a license to sell caskets and coffins at 88 Southside Avenue.

Corporation Counsel, William C. Moore, advised Council that the question of the ownership of the property of the Wilkins-Hart Mortuary at 159 S. French Broad Avenue would be heard in the October Session of Superior Court and that at the present time the ownership of the property was in the hands of the Asheville Housing Authority even though Wilkins-Hart Mortuary was in possession of the property. He recommended that no action be taken on the Group Development Review-Asheville Housing Authority Project 7-7 for the Elderly, until the settlement of the case now pending in Superior Court.

Mayor Wood instructed the City Manager to transmit copies of his report on the license issue to Mr. Hart and to advise him that Council would not take further action on the Housing Authority Group Development Plan until after the conclusion of the Superior Court hearing.

E. R. McCarthy was advised that the funds appropriated would be deducted from Model Cities Consolidated Health Project funds.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Colton, Resolution No. 74-131 was unanimously adopted.

Complete text of Resolution No. 74-131 will be found in Resolution Book No. 7 at page 324.

BIDS - REQUEST NO. 222 - ONE (1) EIGHTY-FIVE FOOT ELEVATING PLATFORM FOR FIRE DEPARTMENT

6. Consideration was given to bids received September 9, 1974 for one (1) eighty-five foot elevating platform for the Fire Department.

The City Manager read the memorandum from the Purchasing Agent who stated that after all legal procedures had been followed the only bid received was from American LaFrance Company through Boyce L. Ford, Company, Inc. in the amount of $113,732.00. He said that both he and Fire Chief Powell Ball recommended acceptance of this bid. He said that the bid qualified with a time limit for placement of the order before September 14, 1974. After this date the new price would be $124,105.00 plus tax. The City Manager advised Council that even though the 1974-75 appropriation covering this item was only $95,000 the delivery time of from 360-480 days would allow him ample time to appropriate the difference out of the 1975-76 budget.

Councilman Ochsenreiter moved to award the contract to American LaFrance through Boyce L. Ford Company, Inc. in the amount of $113,732.00. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

Bidder	Bid
American LaFrance	$113,732.00
Crown Coach	No Bid
Cavalier Corporation	No Bid
Ward LaFrance	No Bid

PETITION - INCREASE IN TAXICAB RATES

Mr. Jack Cheesborough, attorney for the Asheville Taxicab Companies, presented a petition to Council for an increase in taxicab rates and also certain other amendments to Chapter 27 of the Code of the City of Asheville.

He asked that Section 27-8 be amended to read:

(a) For the first 1/3 of a mile or fraction thereof	95¢
(b) For each succeeding 1/6 mile	10¢

Councilman Horton said he was present at the meeting which he described as well mannered and orderly. He mentioned that the traffic, lights, and sewage were the areas of deepest concern. He said that some of the people who came to the meeting unhappy left with some reassurance. He said the advisory board did promise another joint meeting as plans were being developed.

JOINT APPOINTMENT OF WILLIAM D. BEITEL TO THE BOARD OF TAX SUPERVISION

Mayor Wood informed Council that at the County Commissioners meeting held earlier in the day Mr. Curtis Ratcliff announced the appointment of Mr. William D. Beitel to serve on the Buncombe County Board of Tax Supervision. He explained that this was a joint appointment between the Chairman of the Buncombe County Board of Commissioners and the Mayor of the City of Asheville and that he concurred in the appointment announced by Mr. Ratcliff. He instructed the City Clerk to enter the announcement in the minutes and to advise the Board of Tax Supervision of the appointment.

The following is the text of a letter received from Mr. Curtis Ratcliff announcing the appointment:

September 12, 1974

The Honorable Richard A. Wood, Jr.
Mayor, City of Asheville
Asheville, North Carolina

Dear Dick:

At the Board of Commissioners meeting this morning, the appointment of William D. Beitel was announced to serve on the Buncombe County Board of Tax Supervision with a request that the announcement be included in the official minutes of the Buncombe County Board of Commissioners.

I appreciate your assistance in filling this most important Board position.

Sincerely yours,

s/ R. Curtis Ratcliff (jm)

R. Curtis Ratcliff, Chairman
Buncombe County Board of
Commissioners

RCR/jm

PROCLAMATION - CONSTITUTION WEEK - SEPTEMBER 17-23, 1974

Mayor Wood proclaimed the week of September 17-23, 1974 as "Constitution Week."

REPORT BY KEN MICHALOVE - COMMUNITY DEVELOPMENT ACT 1974

Ken Michalove, Assistant City Manager, reported on the National League of Cities Conference on the Housing and Community Development Act of 1974 held in Atlanta, Ga. September 4, 5, and 6. He briefly explained the history of the Act and the various HUD programs that would be consolidated under the grant. He explained that even though there had been no congressional appropriation bill as yet the Congress had authorized a funding level that, based on tentative analysis, would give the City of Asheville $13,813,000 between FY 1975 and 1980.

He said that the programs developed are to concentrate on improving the living conditions of low and moderate income people, eliminate blight and urban decay. He also stated that the City should plan to submit an application to HUD by December 1. Mayor Wood suggested that work start immediately on an application and suggested community meetings to get some thinking of the community on priorities.

LOGAN DELANY - PRESENTATION TO COUNCIL OF A BROCHURE ON THE MODEL CITIES PROGRAM

Logan Delany presented Council with copies of a brochure compiled by the staff of the Model Cities Agency, documenting the Asheville Model Cities Program from the time of its inception in 1968 to the present. He said that one of the unique features of the document was the complete financial report of all funds spent by Model Cities and the programs that it was spent for. He complimented his staff for the excellent job of putting the brochure together.

PARK AND RECREATION BOARD REPORT ON PROPOSED WEST ASHEVILLE PARK

The City Manager read a letter from William Peyton, Chairman of the Parks and Recreation Advisory Board, who reported that after hearing the opinions and recommendations voiced by approximately 100 West Asheville citizens who attended their September 10 meeting, it was the unanimous decision of the Parks and Recreation Advisory Board not to change its previous recommendation that the City purchase the Fisher property in West Asheville for the development of a neighborhood park. He said that several community and youth leaders strongly endorsed the proposed park while other concerned citizens opposed it on the basis of the nuisances of traffic, noise, night lights, sewage, and trash that would be created in their neighborhood. He said the Board felt that the objections could be kept to a minimal and that their recommendation reflected the clear majority of the citizens. Attached to the report was a list of the West Asheville Citizen's concerns which included noise, sewage, traffic, lights, law enforcement and sanitation.

Mayor Wood said that the City would go through with the purchase of the property now being carried out at the administrative level. He said he felt that the meeting, with the citizens participation, was very helpful in bringing out the problems to be faced in the future. He instructed the City Manager to begin immediate investigation into the sewage problem referred to in the report. He said it was his hope, that as plans were being developed, a similar meeting could be held to get the benefit of the thinking of the citizens in the area. He said he assumed that the final plans would come back to Council for approval.

Thursday - September 19, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., J. W. Hoyle, Bill B. Horton, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of the September 12, 1974 meeting.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, the minutes of the September 12, 1974 meeting were approved as submitted.

PUBLIC HEARING - CLOSING OF MILLER ROAD - BUNCOMBE COUNTY BOARD OF EDUCATION

RESOLUTION NO. 74-132 - RESOLUTION TO CLOSE A PORTION OF MILLER ROAD

1. A public hearing was held to consider the closing of Miller Road at the request of the Buncombe County Board of Education.

Mayor Wood opened the public hearing at 3:03 o'clock p. m.

The City Manager was requested to read the notice to the public and the affidavit of publication.

Mr. Walter Currie, attorney representing the Buncombe County Board of Education, advised Council that all the requirements of the North Carolina General Statute Section 160A-299 for the closing of roads and streets had been complied with and he presented an affidavit certifying that all property owners adjoining the section of Miller Road to be closed had been notified by registered mail. He also furnished an affidavit that the property had been posted with notices of the intent to close the street and the calling of a public hearing on the question. Further affidavits were presented from residents in the area who attested that Miller Road was used as a dumping ground for trash, that it was not commonly used, and that it was in the best interest of the community to close the road.

Mr. Currie then presented the architect, Mr. Mike Freeman, who described the preliminary concept for the school project and advised that even though the final plans were incomplete the closing of Miller Road would be necessary under any plan. He said that it was anticipated that the portion of Miller Road, not to be closed, would serve as the main access to the school and that a short section joining Bethesda Road would serve as an access to a teachers parking area.

Mr. Mike Boyd, representing a property owner at 16 Miller Road, said that when the property owners were asked to sign the petition to close the road they were led to believe that the school buses would not use Miller Road as an access. He was concerned that this might cause the property owners some problems.

E. R. McCARTHY - CIVIC CENTER GARAGE FINANCING

Mr. E. R. McCarthy questioned Council as to the cost of the Civic Center Garage and how it was to be financed.

The City Manager advised that the latest estimated cost was $1,800,000 to be financed with $825,000.00 in General Obligation bonds and $975,000.00 from Revenue Sharing funds. He said that it is anticipated that the revenue from the operation of the garage would pay off the bonds.

Mr. McCarthy also questioned the necessity of building a new fire station in the East Riverside Urban Renewal now that the Bartlett Street station has been purchased by Urban Renewal. He was advised that this was an "in kind" participation required in the Urban Renewal Agreement.

Adjournment.

Richard D. Wood, Jr.
MAYOR

Marian F. McCarty
CITY CLERK

RESOLUTION NO. 74-134 - RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO PROVIDE A CASH MATCH CONTRIBUTION TO THE SUPPORT OF THE FRENCH BROAD CRIMINAL JUSTICE PLANNING AGENCY

4. Consideration was given to a resolution authorizing the City of Asheville to provide a cash match contribution to the support of the French Broad Criminal Justice Planning Agency.

The City Manager read the resolution.

Ken Michalove, Assistant City Manager, explained this was a four county agency which works with local criminal justice agencies. He said they have been instrumental in obtaining LEAA funds for the City of Asheville. He said that the City's matching funds would pay for a share of the administrative costs.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall, Resolution No. 74-134 was unanimously adopted.

Complete text of Resolution No. 74-134 will be found in Resolution Book No. 7 at page 330.

RESOLUTION NO. 74-135 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 2 TO FAA LEASE NO. DOTFA71SO-6028 COVERING THE ATCT/SFO FACILITY AT ASHEVILLE MUNICIPAL AIRPORT

5. Consideration was given to a resolution authorizing the Mayor to execute supplemental agreement No. 2 to FAA Lease No. DOTFA71SO-6028 covering the ATCT/SFO Facility at Asheville Municipal Airport.

The City Manager read the resolution and explained that this agreement adjusts the number of square feet of space leased to the FAA in the Terminal Building from 2,635 square feet to 2,450 square feet.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Colton, Resolution No 74-135 was unanimously adopted.

Complete text of Resolution No. 74-135 will be found in Resolution Book No. 7 at page 331

ORDINANCE NO. 819 - AN ORDINANCE AMENDING SECTIONS 27-5, 27-8, 27-52 AND 27-53 OF CHAPTER 27 OF THE ASHEVILLE CODE RELATING TO TAXICAB FARES

6. Consideration was given to an ordinance amending Sections 27-5, 27-8, 27-52 and 27-53 of Chapter 27 of the Asheville Code relating to taxicab fares.

Mr. John Cheesborough, attorney for the taxicab companies, in reviewing taxicab rates in other cities commented that Asheville had always had higher rates than cities in the eastern part of North Carolina. He cited the mountainous terrain and colder weather as factors making the cost of operations high. He said the costs of tire chains, increased wear on brake linings and anti-freeze added to the overhead cost of operations which eastern cities do not have.

Mr. Charles Worley, Bluebird Taxi Company, told Council that the clause in the ordinance which prohibited the use of any vehicle in the transportation of persons which has been in use for more than five (5) years would work a hardship on the taxi companies. He said that with the high price of cars his company was forced to go to used cars.

Mrs. Herman Turner stated that her residence was at the corner of Miller Road and Bethesda Road. She said that the Bethesda Road end of Miller Road was only used as an access to a rear entrance to the Bethesda Church cemetery which was seldom used. She said the road was mainly used as a "parking spot" for teenagers. She said that she had approval of the church and the city to put a chain across the road to restrict its use. She was also concerned about its use as an access road to the teachers parking lot.

Mr. Gordon Jones, Chairman of the Board of Trustees of the Bethesda Church said the church would oppose the closing of the northern or Bethesda Road portion of Miller Road. He told Council that this section was the only access to a tract of land owned by the church on which they planned the construction of a youth building. He said the church had no objection to Mrs. Turner's plans to restrict the use of the road at this time.

Mayor Wood closed the public hearing at 3:37 o'clock p. m. and requested the City Manager to read Resolution No. 74-132 closing Miller Road.

Upon motion of Councilman Colton, seconded by Councilman Horton, Resolution No. 74-132 was unanimously adopted.

Complete text of Resolution No. 74-132 will be found in Resolution Book No. 7 at page 326.

ORDINANCE NO. 818 - AN ORDINANCE AMENDING SECTION 8-1 OF CHAPTER 8, ARTICLE I OF THE CODE OF ORDINANCES, ENTITLED STATE BUILDING CODE ADOPTED.

2. Consideration was given to the second reading of Ordinance No. 818, an ordinance amending Section 8-1 of Chapter 8, Article I of the Code of Ordinances, entitled State Building Code Adopted.

On a roll call vote of 6-0, Ordinance No. 818 passed on its second reading.

RESOLUTION NO. 74-133 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A SUBGRANT AWARD CONTRACT WITH THE STATE OF NORTH CAROLINA, DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES DIVISION OF LAW AND ORDER FOR THE CRIME PREVENTION PROJECT

3. Consideration was given to a resolution authorizing the Mayor to enter into a subgrant award contract with the State of North Carolina, Department of Natural and Economic Resources, Division of Law and Order for the Crime Prevention Project.

The City Manager read the resolution.

Ken Michalove, Assistant City Manager, briefly explained that the program provided for four (4) patrolman, fringe benefits, office supplies and one automobile. He said the total cost of the program would be $42,581 with the City's share being $3,893.00 and the remaining share to be provided by the Federal and State governments. He said the purpose of the program was to prevent crime by providing information to owners of businesses and residences on protecting their property.

Assistant Chief Jarvis explained that the Crime Prevention Bureau surveyed buildings and residences and, upon request, advised property owners of ways to improve safety features around their places of businesses and homes.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 74-133 was unanimously adopted.

Complete text of Resolution No. 74-133 will be found in Resolution Book No. 7 at page 329.

BIDS - SIX (6) TRUCKS FOR STREET DEPARTMENT

8. Consideration was given to bids received September 9, 1974 for six (6) trucks for the Street Department.

The City Manager read a memorandum from the Purchasing Agent, which recommended the award to the low bidder for all items with the exception of item 1. He said the low bid of $2,963.80 for item 1, submitted by Asheville International Truck Sales, did not meet specifications, therefore, it was recommended that item 1 be awarded to the second low bidder, Matthews Motors, Inc. in the amount of $3,009.90. Other items recommended for award to low bidders were: Item 2 - Matthews Motors, Inc. $3,059.90; Item # - Asheville International Truck Sales $5,149.54; Item 4 - Asheville International Truck Sales $5,663.31; Item 5 - Asheville International Truck Sales $5,926.18; Item 6 - Asheville International Truck Sales $7,912.30.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award item 1 to Matthews Motors, Inc. in the amount of $3,009.90; Item 2 to Matthews Motors, Inc. in the amount of $3,059.90; Item 3 to Asheville International Truck Sales in the amount of $5,149.54; Item 4 to Asheville International Truck Sales in the amount of $5,663.31; Item 5 to Asheville International Truck Sales in the amount of $5,926.18; Item 6 to Asheville International Truck Sales in the amount of $7,912.30. This motion was seconded by Councilman Colton and carried unanimously.

Bid Summary

Bid Request #225 - Six Trucks for Street Department

Bidder	Bid Items #1 One 1/2 ton pick up	#2 One 1/2 ton pick up	#3 One 1-1/2 yard Low Bed	#4 One 3 yard Dump Truck
Matthews Motors, Inc.	$3,009.90	$3,059.90	$5,210.58	$5,794.98
Asheville International Truck Sales	$2,963.89	$3,088.89	$5,149.54	$5,663.31

	#5 One 3 yard Dump Truck	#6 One 5 Yard Dump Truck
Matthews Motors, Inc.	$5,961.19	$8,771.16
Asheville International Truck Sales	$5,926.18	$7,912.30

Captain Sloop of the Asheville Police Department, commenting on the clause which required each and every taxicab to be inspected every six (6) months stated that a good mechanical inspection should be required rather than a visible inspection.

The City Manager went over the comparative rates received from the following cities:

Charlotte - 55¢ for the 1st 1/6 mile - 10¢ each additional 1/6 mile
Raleigh - 75¢ for the 1st 1/5 mile - 10¢ each additional 1/5 mile
Winston-Salem - 50¢ for the 1st 1/5 mile - 10¢ each additional 1/5 mile
Greensboro - 55¢ for the 1st 1/5 mile - 10¢ each additional 1/5 miler

He then read a prepared ordinance which would increase the taxicab rates.

After a lengthy discussion Vice-Mayor Marshall moved to amend Section 1 of the ordinance changing prohibiting vehicles more than five (5) years old from transporting persons to seven (7) years. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Councilman Morris suggested that a mechanical inspection be required rather than a visible inspection.

Councilman Colton requested that comparable rates be obtained from Knoxville, Tennessee; Charleston, Roanoke, Wheeling, and Lynchburg, West Virginia and that these figures be presented to Council before the second reading. It was agreed that the taxibab representatives would secure these rates.

Vice-Mayor Marshall moved for the adoption of Ordinance No. 819, which was seconded by Councilman Hoyle.

On a roll call vote of 6-0, Ordinance No. 819 passed on its first reading.

RESOLUTION NO. 74-136 - RESOLUTION ACCEPTING A DEED FROM THE DEAVERVIEW PROPERTIES AND AUTHORIZING THE CITY CLERK TO RECORD SAID DEED WITH THE REGISTER OF DEEDS FOR BUNCOMBE COUNTY

7. Consideration was given to a resolution accepting a deed from the Deaverview properties and authorizing the City Clerk to record said deed with the Register of Deeds for Buncombe County.

The City Manager read the resolution and explained that George W. Smith and wife, Mary Jane Smith and J. W. Haynes, and wife, Gladys B. Haynes executed the deed conveying to the City a tract of land on Deaverview Mountain as a site for the construction and maintenance of a water storage reservoir.

Vice-Mayor Marshall moved for the adoption of Resolution No. 74-136, with Council's appreciation. This motion was seconded by Councilman Horton and carried unanimously.

Complete text of Resolution No. 74-136 will be found in Resolution Book No. 7 at page 332.

Vice-Mayor Marshall moved to approve the change orders submitted by Baber, Cort and Wood in the amount of $9,084.52. This motion was seconded by Councilman Hoyle and carried unanimously.

RESOLUTION NO. 74-137 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA BOARD OF TRANSPORTATION FOR WATER LINE EXTENDING ALONG S. R. 1224 (OAKVIEW ROAD)

13. Consideration was given to a resolution authorizing the Mayor to execute right-of-way encroachment agreement with the North Carolina State Board of Transportation for water line extending along S. R. 1224 (Oakview Road).

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Vice-Mayor Marshall, Resolution No. 74-137 was unanimously adopted.

Complete text of Resolution No. 74-137 will be found in Resolution Book No. 7 at page 333.

RESOLUTION NO. 74-138 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR SEWER LINE CROSSING U. S. 19, 23, 25, 70 (MERRIMON AVENUE)

14. Consideration was given to a resolution authorizing the Mayor to execute right-of-way encroachment agreement with the North Carolina State Board of Transportation for sewer line crossing U. S. 19, 23, 25, 70 (Merrimon Avenue)

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Vice-Mayor Marshall, Resolution No. 74-138 was unanimously adopted.

Complete text of Resolution No. 74-138 will be found in Resolution Book No. 7 at page 334.

RESOLUTION NO. 74-139 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR A BOOSTER PUMP STATION ON S. R. 1248 (OAK HILL ROADS)

15. Consideration was given to a resolution authorizing the Mayor to execute right-of-way encroachment agreement with the North Carolina State Board of Transporation for a booster pump station on S. R. 1248 (Oak Hill Roads.)

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Vice-Mayor Marshall, Resolution No. 74-139 was unanimously adopted.

Complete text of Resolution No. 74-139 will be found in Resolution Book No. 7 at page 335.

RESOLUTION NO. 74-140 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE EXTENDING ALONG S. R. 1324 (COWAN COVE ROAD).

16. Consideration was given to a resolution authorizing the Mayor to execute right-of-way encroachment agreement with the North Carolina State Board of Transporatation for water line extending along S. R. 1324 (Cowan Cove Road)

BIDS - ONE (1) GASOLINE POWERED, HYDRAULIC-OPERATED TIRE SPLITTER FOR SANITATION DEPARTMENT

10. Consideration was given to bids received September 9, 1974 for one (1) gasoline powered, hydraulic operated tire splitter for the Sanitation Department.

The City Manager read the recommendation from the Purchasing Agent which recommended the low bid submitted by Retreading Equipment, Inc. in the amount of $3,825.00.

Councilman Hoyle moved to accept the recommendation of the Purchasing Agent and award the contract to Retreading Equipment, Inc. of Charlotte, North Carolina in the amount of $3,825.00. This motion was seconded by Councilman Horton and carried unanimously.

Bid Summary - One (1) Gasoline Powered, Hydraulic-Operated Tire Splitter
Bid Request No. 227

Bidder	Bid
Retreading Equipment Inc.	$3,825.00
Branick Retread Equipment	$4,633.09

BIDS - ONE (1) CRAWLER-TRACTOR DOZER FOR WATER AND SEWER DEPARTMENT

11. Consideration was given to bids received September 9, 1974 for one (1) Crawler-Tractor Dozer for Water and Sewer Department.

The City Manager read a memorandum from the Purchasing Agent which stated that the low bid submitted by Western Carolina Tractor Company in the amount of $22,230.00 did not meet specifications. Therefore, it was recommended that the second low bid in the amount of $22,331.49 submitted by Bruce Construction Machinery Company be accepted.

Councilman Ochsenreiter moved to accept the recommendation of the Purchasing Agent and award the contract to Bruce Construction Machinery Company in the amount of $22,331.49. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Bid Summary One (1) Crawler Tractor Dozer for Water and Sewer Department
Bid Request No. 228

Bidder	Bid
Bruce Construction Machinery	$22,331.49
Carolina Tractor & Equipment Co.	27,652.00
Arden Equipment Company	23,677.00
Western Carolina Tractor Company	22,230.00
Mitchell Distributing Company	No Bid

ASHEVILLE CIVIC CENTER - CHANGE ORDERS - M. B. HAYNES ELECTRIC CORP.

12. The City Manager advised that Baber, Cort and Wood, architects for the Asheville Civic Center had submitted change orders relative to M. B. Haynes Electrical Corp. contract in the amount of $9,084.52. He said the changes were required for additional work needed for wiring of the scoreboards, lighting and fixtures at the Civic Center.

PUBLIC HEARING - PROPOSED ZONING ORDINANCE

A public hearing was held to consider the adoption of a new Zoning Ordinance for the City of Asheville.

Mayor Wood opened the public hearing at 5:10 o'clock p. m.

The City Manager read the notice to the public and affidavit of publication setting the time and date for the public hearing.

Verl Emrick, Planning Director, reviewed changes in the proposed zoning ordinance as compared to the existing ordinance.

Sections that were discussed are as follows: Purpose - Jurisdiction- Definitions - Non-Conforming Uses - Building Permits - Home Occupations, and a brief discussion was started on Use Districts.

It was suggested that the following changes be made in the proposed ordinance.

1) Definition of Home Occupations

Delete a proviso on pages 6 and 23 that stated not over 25% of the total actual floor area be used as a home occupation, due to redundancies in the listings of definitions in Section 30-3-13.

2) Non-Conforming Uses
page 13
Reject a proposal that a time period of one (1) year be given to restore non-conforming abandoned buildings or land in favor of the present 180 day time period.

The Corporation Counsel was instructed to look into the legality of the proposal that non-conforming uses be brought into conformity within three (3) years.

3) Repair of Damaged Structures
page 13
Add a clause that if a structure is damaged in excess of 75 per cent of its value before damaged occurred it can not be repaired.

Councilman Horton requested that the planning staff look into legality of the placement of "race tracks" into Non-Conforming Uses.

At this time, Councilman Morris moved to continue the public hearing until the meeting of September 26, 1974, without further advertisement. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Adjournment.

Richard D. Wood Jr.
MAYOR

William F. Nolan Jr.
CITY CLERK

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Vice-Mayor Marshall, Resolution No. 74-140 was unanimously adopted.

Complete text of Resolution No. 74-140 will be found in Resolution Book No. 7 at page 336.

RESOLUTION NO. 74-141 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE EXTENDING ALONG S. R. 1255 (Starnes Cove Road)

17. Consideration was given to a resolution authorizing Mayor to execute right-of-way encroachment agreement with the North Carolina State Board of Transportation for water line extending along S. R. 1255 (Starnes Cove Road)

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Vice-Mayor Marshall, Resolution No. 74-141 was unanimously adopted.

Complete text of Resolution No. 74-141 will be found in Resolution Book No. 7 at page 337.

RESOLUTION NO. 74-142 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE EXTENDING ALONG S. R. 1263 (DEAVERVIEW ROAD)

18. Consideration was given to a resolution authorizing Mayor to execute right-of-way encroachment agreement with the North Carolina State Board of Transportation for water line extending along S. R. 1263 (Deaverview Road).

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Vice-Mayor Marshall, Resolution No. 74-142 was unanimously adopted.

Complete text of Resolution No. 74-142 will be found in Resolution Book No. 7 at page 338.

PARKING STUDY COMMITTEE

Mayor Wood announced that Councilmen Ochsenreiter and Hoyle had been appointed to the Parking Study Committee. He said they would be working with members of the staff on revisions of the downtown parking lot rates. He requested that the Committee report their recommendations back to Council.

RECESS - FIVE (5) MINUTES

Mayor Wood recessed the Council meeting for five(5) minutes at 5:05 o'clock p. m.

specific development in the area does not render the reclassification as spot zoning. He stated that the petitioners has submitted reasonable grounds consistent with the statute for reclassification of the area. He gave the following reasons for requesting rezoning: 1) the adjoining area is currently zoned RA-M; 2) the construction of the new highway project will render this area impractical for use as a highly restricted residential area; 3) the area is currently occupied by some of the oldest houses in the City; 4) the continuation of the present zoning will result in depreciation of property values, loss of tax base for the City and will contribute to slum development; 5) Rezoning of the area would result in allowing the most appropriate use for the land. He said the petitioners had requested that Lots 96, 97, 7, 9-1/2, 10-1/2, and 8-1/4, Ward 2, Sheet 17 be rezoned from RA-9 to RA-M ; or that Lots 96, 97, 7, 9-1/2, 10-1/2 and 8-1/4 together with Lots 16, 185, 193, 15-3/4, 15-1/2, 192, 93, 94, 95, and 14, Ward 2, Sheet 17, be rezoned to RA-8 Residential thereby requesting that additional property be rezoned in order to create a buffer if there is a dispute over future uses in the RA-M Residential District. He also presented a list of children who are now enrolled at the nursery and a petition signed by approximately 300 residents throughout the city who favored the rezoning.

Mr. Verl Emrick, Planning Director, was asked to summarize the Planning and Zoning Commission's recommendation. He said the Commission accepted the staff's recommendation to deny both requests. He reported that the staff had recommended denial for the following reasons:

Alternative #1 (Rezone to RA-M)

1) Construed to be spot zoning due to there is no convincing demonstration that all uses permitted under the proposed rezoning district would be in the general public interest; there is no convincing demonstration that all uses permitted under the proposed zoning district would be appropriate in the area; and the proposed change is not in accord with the overall development plan for this area as recommended to City Council by the Commission.

2) There is also a possibility that the rezoning could constitute "contract zoning". Contract zoning occurs when, as defined by the North Carolina courts, "There is nothing in the record to indicate that the governing body contemplates the opening of a tract to all uses permissible under a specific classification and it appears that the governing body action was (or will be) based on its approval of the applicant's plans to construct a specifically described project.

Alternative #2 (Rezone to RA-8)

This is a clear case of spot zoning since it is proposing the imposition of a strip of new zoning classification which has not been in existence in this area. This proposal also does not conform to the overall development plan recommended for this general area.

Councilman Horton asked if the Commission's overall development plan recommended for this area would apply to the proposed R-2 zoning for this area.

Mr. Emrick informed him that this area was proposed for R-2 zoning, which would incorporate RA-8 and RA-9, however, a day care center would not be a permitted use in R-2 but a "Conditional Use" which would require approval of the Board of Adjustments.

Mr. Jess Surles, petitioner and owner of a piece of property on Cameron Street, spoke in favor of the rezoning stating that if his property is not rezoned to RA-M the property value would go down. He said this property is no longer suitable for single family residences.

Thursday, September 26, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., J. W. Hoyle, Bill B. Horton, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel Robert J. Robinson, substituting for William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Corporation Counsel William C. Moore

1. Approval of the minutes of the September 19, 1974 meeting.

Upon motion of Councilman Colton, seconded by Vice-Mayor Marshall, the minutes of the September 19, 1974 meeting were approved as submitted.

PUBLIC HEARING - REZONING PROPERTY ON HOLLYWOOD AND CAMERON STREETS - SHUFORD H. AND DELORES A. HALL, JESSIE P. SURLES AND B. G. O'KELLY

ORDINANCE NO. 820 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. A public hearing was held relative to rezoning property on Hollywood and Cameron Streets to RA-M or RA-8 Residential Districts for Shuford H. and Delores A. Hall, Jessie P. Surles and B. G. O'Kelly.

Mayor Wood opened the public hearing at 3:05 o'clock p. m.

The City Manager read the notice to the public and affidavit of publication setting the time and date for the public hearing.

The Planning and Zoning Commission's report was distributed to members of Council.

Mr. Gary Dodd, attorney for the petitioners, requested that the hearing be continued until a later date. He said the proposed zoning ordinance, which is now being considered, proposed to zone the property in question R-2, which would incorporate the current RA-8 and RA-9 Districts and therefore would then allow day care centers in this area.

Mayor Wood informed him that Council was in the early stages of considering the proposed zoning ordinance and that it would probably not be adopted until after the first of the year.

Mr. Dodd then proceeded with the requests, presenting a brief outlining the definition of spot zoning as defined by the North Carolina Supreme Court in several court cases. He said it was his understanding that the Planning and Zoning Commission had recommended that the requests be denied as it constituted "spot zoning." It was his conclusion that spot zoning results when the municipal authority does not consider the factors as set forth in the enabling statute and when the reclassification is enacted to serve the purpose of one individual or entity to the detriment of the neighborhood and community. He said the petitioners, Mr. and Mrs. Hall, Mr. Surles, and Mr. O'Kelly, are all residents of the area for which reclassification is requested and only Mr. Hall was interested in constructing a nursery school in this area. He said the mere fact that he is interested in

The City Manager was then requested to read the prepared ordinance rezoning the property in question to RA-8 Residential District.

Councilman Horton questioned whether or not the protest presented had signatures of more than twenty (20%) per cent of property owners in the area, since the proposed ordinance included more property than the ordinance just voted on.

A discussion followed which was concluded with Mayor Wood stating that it was his opinion, that since those opposed to the rezoning would benefit by the application of the twenty (20%) per cent rule, their attorney should bear the burden of proof that in fact the protest petition did contain signatures of property owners owning twenty (20%) of the property adjacent to the lots in question. He suggested that Council proceed with the vote on the first reading, assuming that the twenty (20%) per cent rule did not apply and that the ordinance could be passed with a simple majority, the Mayor voting in the case of a tie. However, he said that if the attorney for the opposition did present sufficient evidence that the protest did satisfy the twenty (20%) rule then Council could take this fact into consideration on the second or third reading.

Councilman Horton moved for the adoption of the ordinance rezoning the property to RA-8 Residential. This motion was seconded by Vice-Mayor Marshall.

On a roll call vote of 4-3, Ordinance No. 820 passed on its first reading, with Mayor Wood, Vice-Mayor Marshall, Councilman Horton, and Councilman Hoyle voting "aye" and Councilman Colton, Morris, and Ochsenreiter voting "no".

FIVE (5) MINUTE RECESS

Mayor Wood called for a five (5) minute recess at 4:30 o'clock p. m.

PUBLIC HEARING - REZONING OF PROPERTY ON HENDERSONVILLE ROAD - C. F. WILLIAMS

ORDINANCE NO. 821 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. A public hearing was held relative to rezoning property on Hendersonville Road from RA-5 Residential to Neighborhood Trading Area for C. F. Williams.

Mayor Wood opened the public hearing at 4:37 o'clock p. m.

The City Manager read the notice to the public and affidavit of publication setting the time and date for the public hearing.

Verl Emrick, Planning Director, stated that the Planning and Zoning Commission had accepted the Planning Staff's report and recommended that the property be rezoned as petitioned. He said the front portion of the lot in question is zoned Neighborhood Trading Area with approximately 60' of the rear of the lot zoned RA-5 Residential. He said the staff had recommended approval for the following reasons:

1) The property is not well suited for residential use as the portion of the lot fronting on Hendersonville Road, presently zoned Neighborhood Trading Area, is supporting an established commercial use. Allowing the lot to remain split by two zones will restrict reasonable use of the property.

Mayor Wood announced that the proponents and staff reports were completed at 3:42 o'clock p. m.

Mr. John Shakleford, attorney for property owners opposed to the rezoning, presented a protest and petition signed by owners of twenty (20%) per cent or more of the frontage immediately opposite or to the rear of the lots proposed to be rezoned, protesting the changes in accordance with Section 15 of the City of Asheville Zoning Ordinance. He told Council that Section 15 of the Zoning Ordinance provides that in case of a protest against a change duly signed and acknowledged by the owners of twenty (20%) per cent or more of the frontage proposed to be changed, or of the frontage immediately in rear thereof, or directly opposite thereto, such amendment shall not be passed except by a three-fourths vote of all the members of the City Council.

Mr. Shakleford commented that the change would bring about a bigger development than the present one; that there would be increased traffic in the area by having more children at the nursery; and that there would be increased noise in the neighborhood. He asked Council to follow the previous decision made by the Planning and Zoning Commission and by the Council, when a similiar request was made earlier in the year to have the property rezoned, and to deny both of the petitioners requests.

Mrs. Wilma Rogers, 115 Arlington Street, speaking in opposition to the rezoning, stated that she had been moved out of her previous home due to progress and she did not want another business around her present home.

Mrs. Eleanor Willis, protesting the rezoning stated that she owned her home in this area and it was distressing that there was no security from commercial uses in a residential area. She said Council should consider the many homeowners in the area who wanted peace and quite in the neighborhood.

Mrs. Elizabeth Cook, 34 Town Mountain Road, also spoke in opposition to the rezoning.

Mrs. Delores Hall, owner of the Day Care Center on Hollywood Street, spoke in support of the rezoning and presented affidavits and signatures from next door neighbors who stated that the Day Care Center did not disturb them. She stated that a day care center was needed in the area, that an extravagant development was not planned and there would be off-street parking provided.

Mayor Wood closed the public hearing at 4:15 o'clock p. m. and requested the City Manager to read the prepared ordinance which would rezone the property in question to RA-M.

Councilman Horton moved for the adoption of the ordinance. This motion was seconded by Vice-Mayor Marshall.

Mayor Wood stated that since a protest with signatures of more than twenty (20%) per cent of the property owners in the area had been received, the ordinance shall not be passed except by a three-fourths vote of all the members of Council.

On a roll call vote of 3-3, the ordinance failed on first reading, with Vice-Mayor Marshall, Councilman Horton, and Councilman Hoyle voting "aye" and Councilmen Colton, Ochsenreiter and Morris voting "no".

Mr. Worley advised that Asheville had an average paid mile percentage of 40%-45% and also had to pay 46.9 per gallon for gasoline which was more than most of the other cities.

Mr. John Cheeseborough, attorney for the taxicab companies, pointed out that even with the wide spread publicity he had not heard of any opposition to the request for an increase.

Councilman Horton commented that if his calculations were correct the request represented a 12% increase.

Councilman Colton pointed out that the new rates obtained from other cities with terrain similar to Asheville were all lower than the present rates in Asheville.

Councilman Ochsenreiter requested that the City Manager prepare a summary sheet showing present and proposed rates and rates obtained from other cities.

Councilman Colton moved to postpone the second reading of Ordinance No. 819, until next week and suggested that if any changes are to be made in the ordinance they should be made before the second reading. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

PUBLIC HEARING - PROPOSED ZONING ORDINANCE

Mayor Wood announced that since so much time had been consumed to this hour, Council would not have time to continue the public hearing on the new Zoning Ordinance but would merely postpone the hearing until next week.

RESOLUTION NO. 74-143 - RESOLUTION AUTHORIZING THE MAYOR TO EXTEND THE LEASE AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE OPPORTUNITY CORPORATION OF MADISON-BUNCOMBE COUNTIES FOR THE USE OF THE PROPERTY AND FACILITIES FORMERLY KNOWN AS THE LIVINGSTON STREET SCHOOL PROPERTY.

5. Consideration was given to a resolution authorizing the Mayor to extend the lease agreement between the City of Asheville and the Opportunity Corporation of Madison-Buncombe Counties for the use of the property and facilities formerly known as the Livingston Street School Property.

The City Manager read the resolution and explained that this extension would not delay the time schedule on construction of the Neighborhood Facilities Project.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Horton, Resolution No. 74-143 was unanimously adopted.

Complete text of Resolution No. 74-143 will be found in Resolution Book No. 7 at page 339.

RESOLUTION NO. 74-144 - RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO PROCEED WITH THE PURCHASE OF AND/OR CONDEMNATION OF PROPERTY IN THE RIVERSIDE PARK PROJECT

6. Consideration was given to a resolution authorizing the City of Asheville to proceed with the purchase of and/or condemnation of property in the Riverside Park Project.

The City Manager read the resolution.

2) Contiguity is established in that lots to the north of and fronting on Hendersonville Road are already zoned Neighborhood Trading Area.

3) The rezoning is in keeping with the established development plan for this area.

No one appeared either in support of or opposition to the rezoning.

Mayor Wood closed the public hearing at 4:44 o'clock p. m. and requested the City Manager to read the prepared ordinance rezoning the property Neighborhood Trading Area.

Councilman Morris moved for the adoption of the ordinance. This motion was seconded by Councilman Hoyle.

On a roll call vote of 6-0, Ordinance No. 821 passed on its first reading.

ORDINANCE NO. 818 - AN ORDINANCE AMENDING SECTION 8-1 OF CHAPTER 8, ARTICLE I OF THE CODE OF ORDINANCES, ENTITLED STATE BUILDING CODE ADOPTED.

3. Consideration was given to the third reading of Ordinance No. 821, an ordinance amending Section 8-1 of Chapter 8, Article I of the Code of Ordinances, entitled State Building Code Adopted.

Mayor Wood advised that copies of the ordinance had previously been furnished to members of Council and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 818 passed on its third and final reading.

Complete text of Ordinance No. 818 will be found in Ordinance Book No. 6 at page 117.

ORDINANCE NO. 819 - AN ORDINANCE AMENDING SECTIONS 27-5, 27-8, 27-52, AND 27-53 OF CHAPTER 27 OF THE ASHEVILLE CODE RELATING TO TAXICAB RATES

4. Consideration was given to the second reading of Ordinance No. 819, an ordinance amending Sections 27-5, 27-8, 27-52, and 27-53 of Chapter 27 of the Asheville Code relating to taxicab rates.

Mayor Wood requested that the taxicab representatives give thier report on information obtained from other cities relative to rates.

Mr. Charles Worley, Bluebird Taxi Company, gave the following report:

City	Rate	Average Paid Mile	Cost of Gasoline per Gal.
Wheeling, W. Va.	75¢ for first 2/5; 10¢ each additional 1/5	.47 per mile	50.4
Charleston, W. Va.	85¢ for first 2/5; 10¢ each additional 1/5	50%	47.5
Lynchburg, Va.	65¢ for first 1/5; 10¢ each additional 1/5	50%	.42
Roanoke, Va.	60¢ for first 1/6; 10¢ each additional 1/6	50%	.42
Knoxville, Tenn.	75¢ for first 1/5; 10¢ each additional 1/5	N/A	.43

BIDS - TWO (2) TRACTORS FOR STREET DEPARTMENT

9. Consideration was given to bids received September 9, 1974 for two (2) tractors for the Street Department.

The City Manager read a memorandum from the Purchasing Agent which stated that item #2 - One (1) Tractor Loader Backhoe Combination was being rebid due to certain changes being made in the specifications; low bid submitted by Western Carolina Tractor Company for Item #2, One (1) Tractor Loader did not meet specifications and therefore it was recommended that the second low bidder, Farm Equipment Company, be awarded the contract in the amount of $8,341.00 less $100.00 trade in for a net of $8,241.00; that neither of the two (2) low bids submitted by Farm Equipment Company and Arden Equipment Company for Item #3 - One (1) Tractor Diesel met specifications and therefore it was recommended that the only responsive bid received from Bruce Construction Machinery Company, be accepted, in the amount of $9,762.86, less trade in of $700.00 for a net of $9,062.86.

Mayor Wood questioned why the two low bidders for item #3 did not meet specifications.

Mr. Phipps, Purchasing Agent, explained that he did not know the details on the specifications and Mr. Bostic, Street Superintendent, was not available to give the explanation.

Mayor Wood suggested that no action be taken on Item #3 and that more information be obtained as to why the low bidders did not meet specifications.

Councilman Colton moved to accept the recommendation of the Purchasing Agent for Item #2, One (1) Tractor Loader and award the contract to Farm Equipment Company in the amount of $8,241.00. This motion was seconded by Councilman Morris and unanimously adopted.

Bid Summary

Item #1 - One Tractor-Loader Backhoe Combination (to be Rebid)
Item #2 - One Tractor Loader
Item #3 - One Tractor - Diesel

Bidder	Bid Item # 2	Item #3
Farm Equipment Company	$8,241.00	$6,865.00
E. F. Craven Company	No Bid	No Bid
Bruce Construction Machinery	9,814.42	9,062.86
Arden Equipment Company	9,674.30	8,577.63
Western Carolina Tractor	8,160.00	No Bid

BIDS - FIVE (5) PICK-UP TRUCKS FOR WATER AND SEWER DEPARTMENT

10. Consideration was given to bids received September 9, 1974 for five (5) pick up trucks for the Water and Sewer Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the low bid submitted by Matthews Motors, Inc. in the amount of $14,832.50 for Item 2 - Alternate Bid for Five (5) Pick-Up Trucks with Gross Weight of 3,900 lbs.

It was noted that these trucks would be used for small jobs and meter readers.

Upon motion of Councilman Ochsenreiter, seconded by Vice-Mayor Marshall, Resolution No. 74-144 was unanimously adopted.

Complete text of Resolution No. 74-144 will be found in Resolution Book No. 7 at page 340.

RESOLUTION NO. 74-145 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO MUNICIPAL AGREEMENT WITH NORTH CAROLINA BOARD OF TRANSPORTATION RELATIVE TO RIGHT OF WAY PROJECTS 8.1901402 AND 8.1901403 AND CONSTRUCTION PROJECT 8.1901405.

7. Consideration was given to a resolution authorizing the Mayor to enter into Municipal Agreement with North Carolina Board of Transportation relative to right of way projects 8.1901402 and 8.1901403 and Construction Project 8.1901405.

The City Manager read the resolution and explained that this was relative to sharing of right of way costs on Beaucatcher and I-40 Connector Projects.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 74-145 was unanimously adopted.

Complete text of Resolution No. 74-145 will be found in Resolution Book No. 7 at page 341.

BIDS - ONE (1) TWO WHEEL PORTABLE AIR COMPRESSOR, ONE (1) VIBRATING ROLLER, AND ONE (1) 4-6 TON TANDEM ROLLER FOR THE STREET DEPARTMENT

8. Consideration was given to bids received September 9, 1974 for one (1) two wheel portable air compressor, one (1) vibrating roller, and one (1) 4-6 ton tandem roller for the Street Department.

The City Manager read a memorandum from the Purchasing Agent which stated that all bidders met specifications for Item #1 One (1) Two-wheel Portable Air Compressor and recommended award to low bidder, Western Carolina Tractor Company in the amount of $4,485.00; low bid submitted by Western Carolina Tractor Company, for Item #2, One (1) Vibrating Roller, did not meet specifications, therefore it was recommended that the award be given to the second low bidder, Mitchell Distributing Company, in the amount of $5,279.00; low bid submitted by Contractors Service and Rentals, Inc. for Item #3, One (1) 4-6 ton tandem roller, did not meet specifications, therefore it was recommended that the award be given to the second low bidder, Western Carolina Tractor Company, in the amount of $13,865.00.

Councilman Ochsenreiter moved to accept the recommendation of the Purchasing Agent and award contract to Western Carolina Tractor Company for Item #1 in the amount of $4,485.00; Mitchell Distributing Company for Item #2 in the amount of $5,279.00; Western Carolina Tractor Company for Item #3 in the amount of $13,865.00. This motion was seconded by Councilman Hoyle and unanimously adopted.

Bid Summary - Item #1 - Two Wheel Model Portable Air Compressor
Item #2 - Vibrating Roller
Item #3 - 4-6 Ton Tandem Roller

Bidder	Bid Item #1	Item #2	Item #3
Mitchell Distributing Co.	$4,816.00	$4,779.00	No Bid
N. C. Equipment Company	4,690.00	No Bid	No Bid
Western Carolina Tractor	4,485.00	$2,833.75	$11,849.75
Contractors Service & Rentals	4,695.00	8,387.00	8,765.00
Asheville Construction Equip.	6,049.92	No Bid	No Bid
E. F. Craven Company	No Bid	No Bid	$12,102.00

PUBLIC HEARING - PROPOSED ZONING ORDINANCE

Mayor Wood opened the public hearing at 5:52 o'clock p. m. to continue the public hearing concerning the adoption of a new Zoning Ordinance for the City of Asheville.

Councilman Morris moved to continue the public hearing without further advertisement until the meeting of October 3, 1974. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Adjournment.

Richard A. Wood Jr.
MAYOR

William J. Moriarty
CITY CLERK

Councilman Ochsenreiter moved to accept the recommendation of the Purchasing Agent and award the contract to Matthews Motors, Inc. in the amount of $14,832.50. This motion was seconded by Councilman Morris and carried unanimously.

Bid Summary — Item # 1 - Five (5) Pick Up Trucks - 5,000 G V W
Item # 2 - Alternate - Five (5) Pick Up Trucks - 3,900 G V W

Bidder	Bid Item #1	Item #2
Asheville International Truck Sales	$15,843.65	$15,655.10
Matthews Motors, Inc.	15,992.80	14,832.50

RESOLUTION NO. 74-146 - RESOLUTION RELATING TO FEES AND CHARGES TO UNDERWRITE MAINTENANCE AND OPERATION OF SOUTH BUNCOMBE WATER IMPROVEMENT PROJECT

11. Consideration was given to a resolution relating to fees and charges to underwrite maintenance and operation of South Buncombe Water Improvement Project.

The City Manager read the resolution.

Mayor Wood explained that the Buncombe County Commissioners would pass a similar resolution at their next meeting and that this resolution was needed to assure the State that the City would accept and maintain water system improvements to be built in South Buncombe at the county's expense. He said the County would be applying for State funds to help pay for the new facilities.

Councilman Horton moved for the adoption of the resolution. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Complete text of Resolution No 74-146 will be found in Resolution Book No. 7 at page 343.

REZONING PETITION - LAKE CRAIG ROAD

The City Manager presented a rezoning petition received from Charles H. House to rezone property on Lake Craig Road from RA-10 to Roadside Business.

In the absence of any objections from members of Council, Mayor Wood referred the petition to the Planning and Zoning Commission for study and recommendation.

PATRICK E. INGLE - NOTICE OF APPEAL TO COUNCIL FROM RULING OF CIVIL SERVICE BOARD

The City Manager advised Council that a letter had been received from Robert S. Swain, attorney for Patrick E. Ingle, giving notice of appeal from the ruling of the Civil Service Board on September 19, 1974 to the City Council. He said the transcript of the hearing was being prepared and it would be presented to Council as soon as it is completed.

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1. Dry in date for auditorium - November 1, 1974
2. Completion of the roof of the auditorium- November 15, 1974
3. Steel delivery for the auditorium - November 18, 1974
4. Completion of the new construction of the Civic Center - November 15, 1974
5. Completion of the auditorium renovation- December 31, 1974

Deviation from this schedule, he said, would only be allowed for punch list items and then would require the approval of the architect. He said that liquidated damages under Ranger's original contract had been waived but that under the new agreement liquidated damages would be assessed at the rate of $500.00 per day after the completion dates set forth in the construction schedule.

Mr. Moore then read a letter from the architects, Baber, Cort and Wood, acknowledging receipt of the agreement and recommending their approval.

Mayor Wood commended Mr. Harold Bennett, Special Counsel for the City and Mr. Moore for the excellent job they had done in protecting the City under this contract and joined with them in recommending approval.

Councilman Ochsenreiter moved to adopt the Agreement and Change Order 13 between the City of Asheville and Ranger Construction Company and to authorize the Mayor to sign the agreement on behalf of the City of Asheville, effective as of this date. This motion was seconded by Councilman Morris and carried unanimously.

ORDINANCE NO. 819 - AN ORDINANCE AMENDING SECTION 27-5, 27-8, 27-52, AND 27-53 OF CHAPTER 27 OF THE ASHEVILLE CODE RELATING TO TAXICAB FARES

3. Consideration was given to the second reading of Ordinance No. 819, an ordinance amending Section 27-5, 27-8, 27-52, and 27-53 of Chapter 27 of the Asheville Code relating to taxicab fares.

As requested by Council at the last meeting, the City Manager distributed summaries showing the present and proposed taxicab rates as well as rates obtained from other cities.

Mayor Wood commented that from looking at the summary sheet, it appeared that Asheville's current first mile rate is higher than the other comparable cities.

Mr. Cheesborough, attorney for the taxicab companies, expressed appreciation to Council for considering the request and presented an operating statement from the Bluebird Taxi Company which showed a $12,000 loss for a four (4) month period. He said he felt that the taxicab operators needed an increase and this loss was an example for the requested increase. He said if Council did not see fit to pass the ordinance as presented for an increase of 95¢ for the first 1/3 mile and 10¢ for each additional 1/6; then as an alternate it was requested that Council pass an ordinance for an increase of 85¢ for the first 1/3 and 10¢ for each additional 1/6.

Thursday - October 3, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Councilmen Eugene C. Ochsenreiter, Jr., J. W. Hoyle, Bill B. Horton, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Calvin W. Marshall

1. Approval of the minutes of the September 26, 1974 meeting.

Upon motion of Councilman Hoyle, seconded by Councilman Horton, the minutes of the September 26, 1974 meeting were approved as submitted.

AMENDMENT TO CONTRACT WITH RANGER CONSTRUCTION COMPANY - ASHEVILLE CIVIC CENTER

2. Consideration was given to an amendment relative to the contract with Ranger Construction Company, General Contractor for the Asheville Civic Center.

Corporation Counsel William C. Moore explained that several weeks ago the City became concerned with the lack of progress on the construction of the Asheville Civic Center and started an investigation into the cause of the slow down.

During this investigation it was determined that many of the subcontractors and materialmen furnishing labor and materials for the job, had not been paid for work already completed and were now refusing to proceed further without compensation. In order to break up this "logjam" it was necessary for the City to enter into negotiations with Ranger Construction Company and the subcontractors and materialmen involved and that the agreement now being presented for Council's consideration was the result of these negotiations. He said the agreement had the approval of the architect, contractor, bonding company and the subcontractors and materialmen.

He said that in the agreement the City agreed to release to Ranger the sum of $125,000 in retainage and to pay Ranger $50,000 for their July and August work. Ranger in turn agreed to add to this amount $27,562.80 for a total of $202,562.80 an amount equal to the uncontested claims of the subcontractors and materialmen. Out of these monies the City would withhold $41,000 in retainage. In addition, he said, there was $116,000 in contested claims that the City would withhold until such time as a settlement could be reached. He said that all future payments to the subcontractors and materialmen would be made by joint check of the City and Ranger Construction Company. He stated that the City would only be required to pay approximately $621,000, an amount remaining in the contract for the completion of the project. He said that the surety company, Travelers Indemnity Company, approved the agreement and waived any defenses which they might have by reason of the City's failure to take action or not to take action. Mr. Moore gave the following construction schedule covered by the agreement:

Mr. John Shakleford, attorney for the opposition, said that this rezoning, in his opinion, would constitute spot zoning and with the proposed RA-8 zoning three (3) homes would be made non-conforming. He said that he had verified the required twenty (20%) per cent signatures of property owners in the area.

Councilman Horton said he thought Council should look at the ordinance from a practical standpoint rather than a technical point of view. He said he felt the petitioners definitely had a hardship and the proposed nursery school would be an asset to the area. He stated that in supporting the proposed zoning ordinance he requested that Council consider the people in the area and consider the ordinance from a practical standpoint. He also questioned Mayor Wood as to how the vote on a twenty (20%)per cent rule would apply.

Mayor Wood informed Councilman Horton that the North Carolina General Statutes and the Code of Ordinances for the City of Asheville, in the case of rezoning, requires a 3/4 vote of all members of Council on an ordinance where a protest had been presented with signatures of more than twenty (20%)per cent of property owners in the area. He further stated that 3/4 of all members of Council would be six (6) Council members, with the Mayor only voting in the case of a tie.

Councilman Horton further questioned if the ordinance must pass with six (6) affirmative votes, due to the Mayor not voting except in case of a tie. It was his opinion that the 3/4 rule would apply to six (6) members of Council since there are only six (6) permissable votes, thereby making 3/4 of six (6) members being five (5) affirmative votes to carry the ordinance.

Corporation Counsel William Moore disagreed with Councilman Horton stating that the North Carolina General Statutes requires a 3/4 vote of all members of Council which includes the Mayor, and the ordinance would have to pass with six (6) affirmative votes.

Councilman Ochsenreiter suggested that Council proceed with the vote, assuming that the ordinance must carry with six (6) affirmative votes. However, if either party contested the vote the matter could be settled by a higher authority.

Mayor Wood said Council would proceed with the vote with the advice of the City Attorney that the ordinance must carry with six (6) affirmative votes.

On a roll call vote of 3-3, Ordinance No. 820 failed on its second reading, with Vice-Mayor Marshall, Councilman Horton, and Councilman Hoyle voting "aye" and Councilmen Morris, Colton and Ochsenreiter voting "no".

ORDINANCE NO. 821 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Property on Hendersonville Road)

5. Consideration was given to the second reading of Ordinance No. 821, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Property on Hendersonville Road).

Councilman Colton stated that he felt the alternate seemed more reasonable than the proposed increase. He then moved to amend Ordinance No. 819 thereby substituting 85¢ for the first 1/3 mile in lieu of the requested 95¢ for the first 1/3 mile. This motion was seconded by Councilman Hoyle and the amendment was unanimously adopted.

Vice-Mayor Marshall took his seat at 3:26 o'clock p. m.

On a roll call vote of 6-0, Ordinance No. 819 passed on its second reading.

Mr. Cheesborough then requested that Council suspend the rules and proceed to the third and final reading.

Councilman Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 819. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 819 passed on its third and final reading.

Complete text of Ordinance No. 819 will be found in Ordinance Book No. 6 at page 119.

ORDINANCE NO. 820 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED (Property on Hollywood and Cameron Streets)

4. Consideration was given to the second reading of Ordinance No. 820, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" as amended - (Property on Hollywood and Cameron Streets).

Mayor Wood suggested that since the rezoning was discussed at length during the last meeting and unless there were some objections, he would like to limit remarks to 15 minutes for those wishing to speak in support of the rezoning and 15 minutes for those wishing to speak in opposition.

Corporation Counsel William C. Moore told Council that it appeared that more than twenty (20%) per cent of the property owners in the area proposed for rezoning objected to the rezoning and that the ordinance must pass by a 3/4 vote of all members of Council.

Mr. Gary Dodd, attorney for the proponents, stated that he acknowledged the fact that more than twenty (20%) per cent of the property owners had signed a protest and it would take a 3/4 vote of Council to pass the ordinance. However, he pointed out that the proposed zoning ordinance which is now under consideration would zone this property R-2, which would allow a day care center to be built in the area, under a "Conditional Use". He said the Highway Commission had condemned this property and his client, who proposes to build a day care center in the area, was now under a rental agreement with the Highway Commission until December 1, 1974. He said after that date the day care center would be put out of operation unless an extension could be obtained from the Commission. He said changes were being made in the area and the property needed to be rezoned. He requested that Council pass the proposed ordinance on a required 3/4 vote.

FIVE MINUTE RECESS

Mayor Wood called for a five (5) minute recess at 4:10 o'clock p. m.

PUBLIC HEARING CONTINUED - ZONING ORDINANCE

Mayor Wood opened the public hearing at 4:15 o'clock p. m. to continue the public hearing concerning the adoption of a new Zoning Ordinance for the City of Asheville.

Council proceeded to review the ordinance in detail and the following sections were discussed:

30-3-8	Swimming Pools
30-3-9	More Restrictive Provisions
30-3-10	Visibility at Intersections in Residential Districts
30-3-11	Regulations for Off-Street Parking and Loading
30-3-12	Public Utility Easements
30-3-14	Signs
30-3-15	Buffering
30-3-16	Driveway Entrance Regulations
30-3-17	Mobile Homes, Mobile Home Parks, and Camper-Trailers, Camper-Trailer Parks
30-4-1	Use Districts
30-4-2	District Boundaries
30-4-3	Conformity to Use Regulations
30-5-1	Purpose - Use Districts
30-5-2	R-1 Single Family Residential Districts
30-5-3	R-2 Low Density Residential Districts

All changes made during these sessions will be presented in the final document.

At this time, Councilman Ochsenreiter moved to continue the public hearing until the next regular scheduled meeting. This motion was seconded by Councilman Horton and carried unanimously.

CLAIM - CHARLES H. KNUCKLES

The City Manager presented a claim for damages from Charles H. Knuckles relative to a storm drainage problem.

Mayor Wood referred the claim to the Corporation Counsel for disposition.

PROCLAMATION - LIONS SERVICE DAY - OCTOBER 8, 1974

Mayor Wood proclaimed October 8, 1974 as Lions Service Day

PROCLAMATION - NATIONAL FIRE PREVENTION WEEK - OCTOBER 6 - 12

Mayor Wood proclaimed October 6 - 12, 1974 as National Fire Prevention Week.

Adjournment.

MAYOR

CITY CLERK

Mayor Wood advised that copies of the ordinance had previously been furnished to members of Council and the ordinance would not be re-read unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 621 passed on its second reading.

RESOLUTION NO. 74-147 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A SUBGRANT AWARD CONTRACT WITH THE STATE OF NORTH CAROLINA, DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES, DIVISION OF LAW AND ORDER FOR THE POLICE LEGAL SERVICE PROGRAM

6. Consideration was given to a resolution authorizing the Mayor to enter into a subgrant award contract with the State of North Carolina, Department of Natural and Economic Resources, Division of Law and Order for the Police Legal Service Program.

The City Manager read the resolution.

Assistant Chief Jarvis explained that the project would implement a Legal Advisory Program for the Asheville Police Department. He said the purpose of the program was to have a full time attorney to advise, educate, disseminate legal information and procedures of the criminal justice system of the State of North Carolina to the members of the Asheville Police Department and to serve as Legal Aid to the Department. He said the City's share of this federally funded program is $1,251.00, with the total cost of the program amounting to $25,025.00.

Upon motion of Councilman Horton, seconded by Councilman Hoyle, Resolution No. 74-147 was unanimously adopted.

Complete text of Resolution No. 74-147 will be found in Resolution Book No. 8 at page 1.

Assistant Chief Jarvis introduced Mr. Lewis Walker, Jr., who had accepted the position of Legal Advisor for the Police Department.

PETITION - BUS SERVICE FOR BINGHAM HEIGHTS APARTMENTS

Mrs. Greene, Bingham Heights Apartments, presented a petition with approximately 95 signatures requesting City bus service to and from the Bingham Heights Apartments and the surrounding areas.

Mayor Wood referred the petition to the Asheville Housing Authority and the Asheville Transit Authority.

JOHN MARCUS - DISCUSSION RE: BINGO GAMES

Mr. John Marcus, Box 5678, Asheville, who said that he represented various civic and fraternal organizations in the city who had been holding bingo games and that he had been advised by the ABC Board that if they continued to carry on this practice their license for beer and wine and brown bagging permits would be revoked.

Mayor Wood advised him that the North Carolina General Statutes restricted bingo games and the City of Asheville had no jurisdiction over the holding of bingo games. He also advised him that this was a matter for the General Assembly.

Thursday, October 10, 1974

MAYOR WOOD ANNOUNCED THAT THERE WILL BE NO MEETING OF THE ASHEVILLE CITY COUNCIL ON OCTOBER 10, 1974, DUE TO A LACK OF SCHEDULED ITEMS FOR THE AGENDA.

RESOLUTION NO. 74-149 - RESOLUTION RELATING TO AGREEMENT BETWEEN THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE CITY OF ASHEVILLE REGARDING UTILITY RELOCATIONS IN CONNECTION WITH THE COMPLETION OF THE I-40-U.S. 74 INTERCHANGE AND RELOCATION OF FARIVIEW ROAD. (STATE PROJECT 8.1909304)

4. Consideration was given to a resolution relating to agreement between the North Carolina Department of Transportation and the City of Asheville regarding utility relocations in connection with the completion of the I-40-U.S. 74 Interchange and relocation of Fairview Road. (State Project 8.1909304)

The City Manager read the resolution.

Upon motion of Councilman Hoyle, seconded by Councilman Horton, Resolution No. 74-149 was unanimously adopted.

Complete text of Resolution No. 74-149 will be found in Resolution Book No. 8 at page 3.

RESOLUTION NO. 74-150 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO MUNICIPAL AGREEMENT WITH NORTH CAROLINA BOARD OF TRANSPORTATION RELATIVE TO RIGHT OF WAY PROJECTS 8.1909302 AND 8.1909306

5. Consideration was given to a resolution authorizing the Mayor to enter into Municipal Agreement with North Carolina Board of Transportation relative to right of way projects 8.1909302 and 8.1909306.

The City Manager read the resolution and explained that the agreement was relative to traffic regulations and street changes or improvements in the area of construction of the I-40 and U. S. 74 Interchange.

Upon motion of Councilman Hoyle, seconded by Councilman Horton, Resolution No. 74-150 was unanimously adopted.

Complete text of Resolution No. 74-150 will be found in Resolution Book No. 8 at page 4.

RESOLUTION NO. 74-151 - RESOLUTION AUTHORIZING MAYOR TO ASSURE THE STATE OF NORTH CAROLINA THAT PRESENT SCHEDULES OF RATES AND FEES ARE ADEQUATE AND WILL BE MAINTAINED FOR THE OPERATION, MAINTENANCE AND ADMINISTRATION OF WATER SUPPLY SYSTEM IMPROVEMENTS TO BE MADE IN THE AVERY CREEK SANITARY DISTRICT UNDER THE SUBJECT PROJECT

6. Consideration was given to a resolution authorizing Mayor to assure the State of North Carolina that present schedules of rates and fees are adequate and will be maintained for the operation, maintenance and administration of water supply system improvements to be made in the Avery Creek Sanitary District under the subject project.

The City Manager read the resolution and said this resolution was required by the State within the framework of the Clean Water Bond Act of 1971 relating to the Avery Creek Sanitary District.

Thursday - October 17, 1974 - 3:00 o'clock

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Councilmen J. W. Hoyle, Bill B. Horton, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Calvin W. Marshall and Councilman Eugene C. Ochsenreiter, Jr.

1. Approval of minutes of the October 3, 1974 meeting.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, the minutes of the October 3, 1974 meeting were approved as submitted.

ORDINANCE NO. 821 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Property on Hendersonville Road)

2. Consideration was given to the third reading of Ordinance No. 821, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED (Property on Hendersonville Road).

Mayor Wood advised that copies of the ordinance had previously been furnished to members of Council and the ordinance would not be re-read unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 821 passed on its third and final reading.

Complete text of Ordinance No. 821 will be found in Ordinance Book No. 6 at page 122.

RESOLUTION NO. 74-148 - RESOLUTION RELATING TO AGREEMENT BETWEEN THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE CITY OF ASHEVILLE REGARDING UTILITY RELOCATIONS IN CONNECTION WITH THE CONSTRUCTION OF U. S. 70-74 FROM STATION 30+00 to STATION 78+00. (STATE PROJECT 8.1901404)

3. Consideration was given to a resolution relating to agreement between the North Carolina Department of Transportation and the City of Asheville regarding utility relocations in connection with the construction of U. S. 70-74 from Station 30+00 to Station 78+00. (State Project 8.1901404).

The City Manager read the resolution and explained that the agreement states that the City will move any utility lines that are necessary on the project locations and that the State would pay for any movement of lines on the City's rights of way.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 74-148 was unanimously adopted.

Complete text of Resolution No. 74-148 will be found in Resolution Book No. 8 at page 2.

The City Manager read the ordinance and explained that this ordinance would add Asheville Country Day School to the list of schools in this particular category.

Mayor Wood pointed out that Asheville Catholic High School no longer existed and St. Genevieves of the Pines had changed the name of their school to St. Genevieves-Gibbons Hall and these changes should be made in the ordinance before the second reading.

Councilman Morris moved for the adoption of the ordinance. This motion was seconded by Councilman Hoyle.

On a roll call vote of 4-0, Ordinance No. 822 passed on its first reading.

ORDINANCE NO. 823- ORDINANCE AMENDING SECTION 28-82 AND 28-83(a) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO EXTEND AND ESTABLISH SPEED LIMITS WITHIN THE NEWLY ANNEXED AREA OF SOUTH BILTMORE AND CARIBOU ROAD AND CHARLOTTE HIGHWAY

10. Consideration was given to an ordinance amending Section 28-82 and 28-83 (a) of the Code of Ordinances of the City of Asheville to extend and establish speed limits within the newly annexed area of South Biltmore and Caribou Road and Charlotte Highway.

The City Manager read the ordinance and explained that this would extend and establish speed limits within the newly annexed area of South Biltmore-Caribou Road and also establish speed limits on the Charlotte Highway from I-40 to Swannanoa River Road.

Councilman Morris moved for the adoption of the ordinance. This motion was seconded by Councilman Hoyle.

On a roll call vote of 4-0, Ordinance No. 823 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of the ordinance due to the speed limits being non-enforceable until the ordinance is adopted. This motion was seconded by Councilman Horton and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 823 passed on its second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 823 passed on its third and final reading.

Complete text of Ordinance No. 823 will be found in Ordinance Book No. 6 at page 125.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 74-151 was unanimously adopted.

Complete text of Resolution No. 74-151 will be found in Resolution Book No. 8 at page 5.

RESOLUTION NO. 74-152 - RESOLUTION AUTHORIZING THE MAYOR TO SELL THE BARTLETT STREET FIRE STATION PROPERTY

7. Consideration was given to a resolution authorizing the Mayor to sell the Bartlett Street Fire Station Property.

The City Manager read the resolution and explained that Council had previously approved an option to sell this property and this resolution authorizes the completion of the transaction.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 74-152 was unanimously adopted.

Complete text of Resolution No. 74-152 will be found in Resolution Book No. 8 at page 6.

RESOLUTION NO. 74-153 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO CONTRACTS WITH THE STATE FOR THE DRUG AND ALCOHOL ABUSE CO-OP PROGRAM

8. Consideration was given to a resolution authorizing the Mayor to enter into contracts with the State for the Drug and Alcohol Abuse Coop Program.

The City Manager read the resolution.

Mr. Michalove, Assistant City Manager, explained that this provided for two programs, the Interagency Narcotics Squad and Drug Commission and Health Education. He said the federal share for the Interagency Narcotics Squad is $30,503 and $26,392 for the Drug Commission and Health Education, with the city's share being $1,500 for both programs. He said the County was also funding $1,500 for these programs.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 74-153 was unanimously adopted.

Complete text of Resolution No. 74-153 will be found in Resolution Book No. 8 at page 7.

ORDINANCE NO. 822 - ORDINANCE AMENDING SECTION 28-84(d) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE ESTABLISHING SPEED LIMITS FOR THE ST. JOAN OF ARC SCHOOL, ST. EUGENES CATHOLIC SCHOOL, ST. GENEVIEVES OF THE PINES SCHOOL, ASHEVILLE CATHOLIC HIGH SCHOOL, AND ASHEVILLE COUNTRY DAY SCHOOL

9. Consideration was given to an ordinance amending Section 28-84 (d) of the Code of Ordinances of the City of Asheville establishing speed limits for the St. Joan of Arc School, St. Eugenes Catholic School, St. Genevieves of the Pines School, Asheville Catholic High School, and Asheville Country Day School.

PETITION - WALKING PATROL FOR DOWNTOWN STREETS

Mayor Wood reported that he had received a petition with reference to the reinstating of the walking patrol beats on the downtown streets. He referred the petition to the City Manager to confer with the Chief of Police and to report their recommendations back to Council next week.

PROCLAMATION - WEEK OF WORLD UNDERSTANDING - OCTOBER 20 - 26, 1974
UNITED NATIONS DAY - OCTOBER 24, 1974

Mayor Wood proclaimed the week of October 20 - 26, 1974 as Week of World Understanding and October 24, 1974 as United Nations Day.

NOLA KNUCKLES - SENIOR OPPORTUNITY CENTER

Mrs. Nola Knuckles thanked Council for purchasing the building on Grove Street for the Senior Citizens.

JANET TAYLOR - BUS SERVICE FOR BINGHAM HEIGHTS AREA

Janet Taylor asked Council about the status of the petition presented at the last Council meeting requesting bus service for the Bingham Heights Apartments and surrounding areas.

Mayor Wood informed her that the City was in the process of putting together an improved bus service program which would include the request for bus service in the Bingham Heights area, however, this would have to be submitted as part of the total Community Development Program to Greensboro and it would probably be a month or more before a final answer is received.

RECESS - FIVE (5) MINUTES

Mayor Wood called for a five (5) minute recess at 3:49 o'clock p. m.

PUBLIC HEARING CONTINUED - PROPOSED ZONING ORDINANCE

Mayor Wood opened the public hearing at 4:06 o'clock p. m. to continue the public hearing concerning the adoption of a new zoning ordinance for the City of Asheville.

Council proceeded to review the ordinance in detail and finished discussing the text of the ordinance.

All changes made during these sessions will be presented in the final document.

At this time, Councilman Morris moved to continue the public hearing until the meeting of November 7, 1974 at which time the proposed zoning of particular parcels of land under the new ordinance would be considered. This motion was seconded by Councilman Colton and carried unanimously.

Adjournment.

Richard D. Wood
MAYOR

William F. Maready
CITY CLERK

APPEAL OF PATRICK E. INGLE - TRANSCRIPT AND FINDINGS FROM CIVIL SERVICE BOARD HEARING PRESENTED

The City Manager presented copies of the transcript and findings of the Civil Service Board meeting of September 19, 1974 relative to the dismissal of Patrick E. Ingle from the Asheville Police Department.

Corporation Counsel William Moore advised Council that they should review the transcript before the hearing and that Mr. Ingle's attorney and Police Chief J. C. Hall would be given an opportunity to make a statement at the hearing but no additional evidence could be submitted. He cited Section 38 of the Charter for the City of Asheville which states that Council, at a regular session, would vote on the approval or disapproval of the report submitted by the Civil Service Board but it shall require the affirmative votes of five members of the Council to disapprove the report, lacking such five votes, the report shall be approved. In either event, the action of the City Council is final.

Councilman Morris moved to set the hearing on the appeal for October 31, 1974. This motion was seconded by Councilman Horton and carried unanimously.

Mayor Wood instructed the Corporation Counsel to notify Mr. Robert Swain, attorney for Mr. Ingle, of the date set for the hearing.

REZONING - LAKE CRAIG ROAD

Consideration was given to a recommendation from the Planning and Zoning Commission relative to the rezoning request of Charles, Kathleen, and Roger House; Vernon, James and Wendall Sam; and John W. Moyer and Vallie E. Beckom to rezone their property on Lake Craig Road from RA-10 Residential to Roadside Business.

The City Manager read a letter from the Planning and Zoning Commission which recommended that the petition be denied and the property remain as it is now zoned.

Mr. Charles House requested that Council set a date for a public hearing on his request, even though the Commission had recommended denial.

Councilman Morris moved to set the public hearing date for November 7, 1974, to be advertised at the petitioner's expense. This motion was seconded by Councilman Hoyle and carried unanimously.

CITY MANAGER'S REPORT - DISTRIBUTION OF LEAF BAGS

The City Manager reported that 25,000 leaf bags would be distributed from the Fire Stations beginning Saturday, October 19, 1974. He said ten (10) bags would be available to each household for bagging of leaves to be picked up by the Sanitation Department on regular pick up days.

BIDS - TRACTOR-MOWER FOR THE STREET DEPARTMENT

3. Consideration was given to bids received September 9, 1974 for one (1) tractor-mower for the Street Department.

The City Manager read a memorandum from the Purchasing Agent which stated that neither of the two low bids submitted by Farm Equipment Company and Arden Equipment Company meet the specifications and it was recommended that the only responsive bid submitted by Bruce Construction Machinery Company be accepted in the amount of $9,762.86, less trade-in of one (1) tractor at $700.00 for a net bid price of $9,062.86.

Mr. W. A. Bostic, Street Superintendent, explained that Arden Equipment Company met specifications for the tractor but did not meet specifications for the rotary mower attachment to be mounted on the tractor, as specified. He said Farm Equipment Company did not meet specifications for the tractor or the rotary mower attachment. Therefore he recommended the acceptance of the only responsive bidder, meeting all specifications, Bruce Construction Machinery Company in the amount of $9,762.86, less trade-in of one (1) tractor at $700.00 for a net bid price of $9,062.86.

Councilman Morris moved to accept the recommendation of the Street Superintendent and award the contract to Bruce Construction Machinery Company in the amount of $9,762.86, less trade in of one (1) tractor for $700.00 with a net bid price of $9,062.86. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Bid Summary

One Tractor-Mower

Bidder	Bid
Farm Equipment Company (did not meet specs.)	$6,865.00
E. F. Craven Company	No Bid
Bruce Construction Machinery Company	$9,062.86
Arden Equipment Company (did not meet specs.)	$8,577.63

BIDS - BRUSH CHIPPER FOR PARKS AND RECREATION DEPARTMENT

4. Consideration was given to bids received October 21, 1974 for one (1) 16" brush chipper for the Parks and Recreation Department.

The City Manager read a memorandum from the Purchasing Agent and Mr. R. B. Meehan, Jr., Superintendent of Parks, which recommended the acceptance of the low bid submitted by Safety Test and Equipment Company of Shelby, North Carolina in the amount of $4,580.00.

Vice-Mayor Marshall moved to accept the recommendation of the Purchasing Agent and award the contract to Safety Test and Equipment Company of Shelby, North Carolina in the amount of $4,580.00. This motion was seconded by Councilman Morris and carried unanimously.

Thursday - October 24, 1974 - 3:00 o'clock

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/ City Clerk William F. Wolcott, Jr.

Absent: Councilman J. W. Hoyle

1. Approval of the minutes of the October 17, 1974 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Horton, the minutes of the October 17, 1974 meeting were approved as submitted.

ORDINANCE NO. 822 - AN ORDINANCE AMENDING SECTION 28-84 (d) OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE ESTABLISHING SPEED LIMITS FOR THE ST. JOAN OF ARC SCHOOL, ST. EUGENE'S CATHOLIC SCHOOL, ST. GENEVIEVES-GIBBONS HALL SCHOOL, AND ASHEVILLE COUNTRY DAY SCHOOL

2. Consideration was given to an ordinance amending Section 28-84 (d) of the Code of Ordinances of the City of Asheville to establish speed limits approaching Asheville Country Day School.

Mayor Wood advised that copies of the ordinance had previously been furnished to members of Council and the ordinance would not be re-read unless there was a specific request to do so.

Councilman Morris moved to amend Ordinance No. 822, as passed on first reading, by deleting Asheville Catholic High School which is no longer in operation and by changing the name of St. Genevieves of the Pines School, as stated in the ordinance, to St. Genevieves-Gibbons Hall School. This motion was seconded by Councilman Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 822 passed on its second reading.

Councilman Morris moved to suspend the rules and proceed to the third and final reading due to the speed limits being non-enforceable until the ordinance is adopted. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 822 passed on its third and final reading.

Complete text of Ordinance No. 822 will be found in Ordinance Book No. 6 at page 123.

CLAIMS - CONSTRUCTION SPECIALTIES, INC. AND EDUCATIONAL FACILITY PLANNERS RELATIVE TO ASHEVILLE CIVIC CENTER

Corporation Counsel William C. Moore presented notice of claims from Construction Specialties, Inc. in the amount of $18,163.60 and also from Educational Facility Planners in the amount of $6,724.00 relative to the Asheville Civic Center. He said that in the agreement recently entered into with Ranger Construction Company, all bills would have to be approved by the architect and Ranger Construction Company prior to the time any joint checks are issued.

Mayor Wood acknowledged receipt of the claims and instructed the Corporation Counsel to forward the claims to the architect.

REPORT - SUB-COMMITTEE ON DOWNTOWN PARKING

Councilman Ochsenreiter reported that he and Councilman Hoyle and Mike Smith, Director of Central Services, had met with interested citizens and merchants to discuss the parking ordinance as proposed by the City. He then asked Mr. Smith to read a letter outlining recommendations of the sub-committee. The following recommendations were submitted in the letter:

1. Recommended that all downtown meters be programmed for $.10 for two hours as opposed to the varying rates which exist downtown presently. Even at $.10 for two hours, we are competing downtown with the regional shopping centers where the parking is free.

2. Downtown parking lots both daily and monthly - rates on all city owned or city administered lots remain status quo. Reasons: based on visual surveys, there does not appear to be a parking shortage downtown. Concerns that operate both in the Asheville downtown market and in regional shopping centers are faced with the situation of employees downtown ending up with a smaller net pay check than those working in the regional shopping centers due to parking fees downtown. It should also be pointed out that under the equal pay for equal work act, it would prohibit the downtown employees from gaining extra pay because of the parking situations. In addition, this could have an effect on the ability of downtown employers to obtain qualified employees if the parking expense continues to increase. Also, in time it will force up the employers' cost with reference to employees thereby forcing increases in selling prices and making competition tougher for the downtown merchant as opposed to the regional merchants.

3. Research ways to automate downtown city operated parking lots to eliminate the attendant expense.

4. Establish regional parking lots on the outskirts of the city using bus shuttle service to the downtown area either on a free basis or a minimal charge basis. Locations should be in north, south, east and west. Example - filled area north of the Northland Shopping Center.

5. Survey areas adjacent to crosstown expressway with reference to getting clearance from the state having these areas paved to establish additional parking. Example - parking across from Southern Bell on Cherry Street has been paved and stripped and is free parking.

Bid Summary

One (1) 16" Brush Chipper for Parks and Recreation Department

Bidder	Bid
Safety Test & Equipment Co.	$4,580.00
Interstate Equipment Co.	$6,150.00
H & H Equipment Company	$5,036.00
Porter Brothers	$4,964.40
E. J. Smith and Sons	No Bid

RESOLUTION NO. 74-154 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE DEMOLITION CONTRACTS

5. Consideration was given to a resolution authorizing the Mayor to execute demolition contracts.

The City Manager read the resolution.

Mr. Michalove, Assistant City Manager explained that demolition monies had been set aside in the budget for this fiscal year and at the present time no authority had been granted to contract this work with private individuals when the work can not be done by city crews. He said this resolution would give an opportunity to go into the private market to have this type work done.

Upon motion of Councilman Horton, seconded by Vice-Mayor Marshall, Resolution No. 74-154 was unanimously adopted.

Complete text of Resolution No. 74-154 will be found in Resolution Book No. 8 at page 8.

RESOLUTION NO. 74-155 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SELECT AN ARCHITECT FOR TWO PROPOSED FIRE STATIONS

6. Consideration was given to a resolution authorizing the City Manager to select an architect for two proposed fire stations.

The City Manager read the resolution and explained that one of the stations is to be located on or near Hendersonville Road to replace the existing station on Lodge Street in the Biltmore Area and the second station is to be constructed at the corner of Livingston Street and South French Broad Avenue to replace the present Bartlett Street Station.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Morris, Resolution No. 74-155 was unanimously adopted.

Complete text of Resolution No. 74-155 will be found in Resolution Book No. 8 at page 9.

Mayor Wood requested the Corporation Counsel to check with the Department of Labor relative to the statement made in the letter regarding the equal pay for equal work act which involves downtown employees gaining extra pay because of the parking situations.

Mayor Wood stated that he had received a suggestion from the smaller merchants downtown to prohibit parking in the Rankin Street Parking Lot and the on-street parking area around Battery Park Hill until after 10:00 a. m. since these areas are the prime parking spaces in terms of customer accessibility to downtown stores. He said this would preclude employees from using them and make them more available for customers. He said he would have to disagree with the Committee that there was not a parking shortage downtown. He said all the parking studies made have indicated to the contrary. He requested that the Committee consider the suggestion.

Councilman Horton commented that it was his opinion that the Committee seemed more interested in the employee parking than the customer and he could not understand why.

Mayor Wood requested that the Committee pursue the matter and report back to Council as soon as possible.

CITY MANAGER'S REPORT - PETITION FOR FOOT PATROL DOWNTOWN

The City Manager read a memorandum from the Chief of Police which stated that in July, 1974 the Police Department eliminated foot patrol in the downtown business area due to the constant drop of people in the area plus many businesses on Patton Avenue had been closed. He said the foot patrol was replaced by motorized scooters which gives better and faster coverage than men on foot. He said records indicate that crime in the business district has considerably decreased and recommended that no change be made at this time due to the badly needed personnel in the outlying districts. The City Manager concurred with the recommendation of the Chief of Police.

The City Manager said he attributed the decrease in crime to the sodium vapor lights installed and the declining number of shoppers in the business district.

Councilman Colton requested that the crime report of August 72-73 as opposed to August 73-74 which indicated a considerable decrease in all crimes be noted.

Mayor Wood requested that the City Manager update the crime report on year end figures for Council to consider again at that time.

RESOLUTION NO. 74-156 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 1 RELATIVE TO CONTRACT FOR EXTERIOR RENOVATION OF CITY HALL BUILDING

Consideration was given to a resolution authorizing the Mayor to execute change order No. 1 relative to contract for exterior renovation of City Hall Building.

The City Manager read the resolution and explained that at the time the contract was entered into with Brisk Waterproofing Company it was recommended by the architect that the present windows be

6. Hold off on parking deck adjacent to the actual library and parking deck structure until the demand for downtown parking increases above its present level.

In summary, the committee felt that any action taken by the city which would deter traffic from the downtown business district, be it customers or people employed downtown, would have an adverse effect on the downtown area which is something that everyone is interested in preventing. The letter stated that revenue from parking lots is of interest to the City, but at the same time, the revenue which would be generated from the proposed parking fee increases could very well end up costing the city a far greater amount due to the loss in revenue from taxes if this proposed burden is placed on the downtown merchants.

Mr. Smith presented photographs which indicated parking problems around the Arcade Building. He said photographs were taken on October 14, 1974, which was a federal employees holiday, and all parking spaces were vacant. Photographs taken of the same area on October 16, 1974 showed all parking spaces taken. He said this gave an indication as to who was using the parking spaces during the daytime hours. He said officials at the Arcade Building had been contacted and were willing to cooperate in trying to get the employees not to park at the metered spaces.

Mayor Wood said that he had requested the City Manager to poll all the banks in the downtown area to determine how many employees parked downtown and where they were parking. The City Manager then gave the following report:

Bank	Number of Employees	Parking Areas Used
First Union National	150	Hadley Lot Blomberg Lot Phillips Lot Grove Street
Western North Carolina	12	City Lot on Marjorie & Spruce
First-Citizens	40	Lot at Church St. near Central Methodist Church
Bank of Asheville	65	(58) park in Bank Lots and 10 or 12 park in City Lots
Northwestern	87	Parking Garage Broadway/College
Wachovia Bank	199	(119) City Lots on Rankin and Church

Thursday - October 31, 1974 - 3:00 o'clock

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward.

Absent: Assistant City Manager/City Clerk, William F. Wolcott, Jr.

1. Approval of the minutes of the October 24, 1974 meeting.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall the minutes of the October 24, 1974 meeting were approved as submitted.

PRESENTATION OF PLANS - PROPOSED PARKING GARAGE BY WILBUR SMITH AND ASSOCIATES

2. Mr. Ed Ezekiel of Wilbur Smith and Associates presented plans for the proposed parking garage to be constructed between Rankin Avenue and Haywood Street. He explained that the base bid was for 5 1/2 levels with 413 parking spaces at an estimated construction cost of $1,519,120; alternate #1 would add two levels to the structure and 160 parking spaces at an estimated construction cost of $530,683; and alternate #2 would allow for a six level addition to the garage at the north end and would add 85 spaces at an estimated construction cost of $215,465. Mr. Ezekiel told Council construction would be similiar to the Asheville Civic Center and if it was Council's wish bids could be let on November 10, 1974.

Mayor Wood requested that in addition to the contractor submitting a bid bond, that he be required to submit certified copies of financial statements.

The City Manager commented that $825,000 was available in bonds; that $975,000 was set aside from Revenue Sharing funds in the 1974-75 budget; and that the total cost of estimated construction for the base bid plus alternate #1 was approximately $250,000 more than anticipated. However, he recommended accepting the base bid plus alternate #1 commenting that all feasibility studies that have been made were centered around 600 parking spaces and that could be set aside in the 1975-76 budget from Revenue Sharing allocations to cover this amount.

Councilman Ochsenreiter moved to authorize the City Manager to direct Wilbur Smith and Associates to proceed with the letting of the bids for the proposed project. This motion was seconded by Councilman Hoyle and carried unanimously.

Mr. W. F. Algary told Council it was his hope that Council would do everything possible and practical for the downtown area. He said he favored the proposed parking garage and suggested that Council consider a suggestion made by the Department of Transportation several years ago that Lexington Avenue be made a one-way street south and Biltmore Avenue one-way north. He said this would allow parking along

replaced with storm windows, however after engineering studies were made relative to the costs and heat loss from the building the architects reconsidered and are now recommending that all exterior doors and windows be painted. He said the change order amounted to $8,725.00.

Upon motion of Councilman Morris, seconded by Councilman Horton Resolution No. 74-156 was unanimously adopted.

Complete text of Resolution No. 74-156 will be found in Resolution Book No. 8 at page 10.

CLAIM - GEORGE W. MOOREFIELD/ROCK WELL INSULATING COMPANY AND THUNDERBOLT PATTERSON

The City Manager presented a claim received from George W. Moorefield and Thunderbolt Patterson dated October 23, 1974.

Mayor Wood referred the claim to the Corporation Counsel for recommendation.

Thunderbolt Patterson asked Council why Mr. George W. Moorefield cannot bring wrestling matches into the City of Asheville.

Mayor Wood advised him that the claim was referred to the Corporation Counsel and his report would be made at next weeks meeting.

Corporation Counsel William Moore explained to Mr. Patterson that under the Charter for the City of Asheville a claim is presented to Council and that Council has ten (10) days in which to respond to the claim.

Mr. George W. Moorefield told Council that he could not get a date for holding a wrestling match at the Civic Center and asked Council to set a date for him to hold a wrestling match any time within the next two weeks.

Mayor Wood informed him that since the matter was under possible litigation he felt it would be in the best interest to follow the advice of the Corporation Counsel and that the Corporation Counsel's recommendations would be made to Council at next weeks meeting.

Adjournment.

Richard D. Wood, Jr.
MAYOR

CITY CLERK

Center Director James M. Evans, all other host city officials and Ms. Marie Earley, Convention Manager of the Asheville Chamber of Commerce, for their hospitality, assistance, and cooperation and for the numerous courtesies rendered in hosting this 65th Annual Convention which contributed immeasurably to its success."

DEATH OF FANNIE B. MCCOY

Mayor Wood made the following announcement relative to the passing away of Miss Fannie B. McCoy:

"On behalf of the Council and the citizens of Asheville, I wish to recognize with sorrow the passing yesterday of Miss Fannie B. McCoy.

Until illnesses in recent years prevented her from doing so, Miss McCoy was a frequent commentator on affairs of local government, particularly of the City. Her interest in and concern for her community was commendable.

Long before the slogan of "citizen participation in government" came into fashion, Miss McCoy was putting this concept into practice. In so doing, her name became a local household word to many who had never met her. She will be missed by our community."

PETITION - GEORGE BEVERLY - PROPERTY ON EAST CHESTNUT STREET

The City Manager presented a rezoning petition from George Beverly requesting that Ward 2, Sheet 16, Lots 126 and 127-1/2 located on East Chestnut Street be rezoned from RA-6 to RA-M Residential District in order to construct a building for the Southern Bell Telephone Company on these lots.

In the absence of any objections from members of Council, Mayor Wood referred the petition to the Planning and Zoning Commission for study and recommendation.

SUPPLEMENTAL AGREEMENT #1 - ASHEVILLE AIRPORT FENCING

The City Manager presented Supplemental Agreement #1 for the Asheville Fence Company's contract at the Asheville Airport.

He said the original contract did not include electrical grounding and that this change order would allow for this at a total cost of $1,800, with FFA financing 82 per cent and the City 18 per cent for a total cost to the City of $234.00.

Councilman Ochsenreiter moved to approve Supplemental Agreement #1 for the Asheville Fence Company's contract at the Asheville Airport. This motion was seconded by Councilman Hoyle and carried unanimously.

these streets. He also suggested that the Parks and Recreation Department take care of the trees in the two parks downtown. He suggested that the present library be made into a historic center for rare records, books , etc.

CHANGE ORDER - ELECTRICAL CONTRACT ASHEVILLE CIVIC CENTER

3. The City Manager presented a change order, prepared by Baber, Cort, and Wood, with M. B. Haynes Electrical Corporation, relative to the electrical contract at the Asheville Civic Center. He said this change order would allow for electrical work to be done for stage show service and ice show electrical service. He said the change order amounted to $6,467.00.

Councilman Morris moved for the approval of the change order relative to the electrical contract at the Asheville Civic Center. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

RESOLUTION 74-157 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A SUPPLEMENTAL MUNICIPAL AGREEMENT WITH NORTH CAROLINA BOARD OF TRANSPORTATION RELATIVE TO CONSTRUCTION OF US 70-74 CONNECTOR UNDER THE RIGHT OF WAY PROJECTS 8.1901402 and 1.1901403

4. Consideration was given to a resolution authorizing the Mayor to enter into a supplemental municipal agreement with North Carolina Board of Transportation relative to construction of US 70-74 connector under the right of way projects 8.1901402 and 8.1901403.

The City Manager read the resolution and explained that the area in question is along Ross Creek Road in the Chunns Cove area. He said there now exists an 8" sanitary sewer line, which would have been replaced by the State because they will be working on the City's right of way. However, the Water Department has suggested that the line be increased to 12" to take care of future development in the Chunn's Cove area and the City would be obligated to pay the difference between an 8" line and a 12" line.

Upon motion of Councilman Morris, seconded by Councilman Colton Resolution No. 74-157 was unanimously adopted.

Complete text of Resolution No. 74-157 will be found in Resolution Book No. 8 at page 11 .

MAYOR WOOD - LEAGUE OF MUNICIPALITIES RESOLUTION

Mayor Wood commented on the success of the recent convention of the North Carolina League of Municipalities held at the Asheville Civic Center. He said it was the largest convention of the League in history and a number of compliments were received regarding the City hosts and the transit system worked out by the City for the convention. He said on Tuesday afternoon, October 29, 1974, the League passed the following resolution of appreciation:

"BE IT RESOLVED by the North Carolina League of Municipalities in Annual Convention assembled this 29 day of October, 1974, that the delegates express their sincere appreciation and gratitude to Mayor Richard A. Wood, Jr., the members of the Asheville City Council, City Manager Ernest J. Ward, Assistant Manager William F. Wolcott, Civic

requesting Council to join with other citizens in requesting the State to take over and maintain Laurel Road on Royal Pines Mountain. He said the City uses this road due to a City reservoir on the mountain.

Councilman Morris made the motion to authorize execution of a petition for the State to take over and maintain Laurel Road, and the motion was seconded by Councilman Horton and carried unanimously.

REPORT OF SUB COMMITTEE ON DOWNTOWN PARKING

Councilman Ochsenreiter called on Mike Smith, Director of Central Services, to make a report of the recommendations of the Parking Committee. Mr. Smith stated that these recommendations were made in accordance with the recommendations made by the Downtown Parking Committee. He recommended that that the proposed parking ordinance be amended to reflect no change in the present parking lot rates, except for the Rankin Avenue and South Lexington Avenue Lots, which reflects a change from 25 cents for 2 hours to 10 cents for 2 hours. All other sections of the ordinance would remain the same. He also suggested that the Parking Committee's recommendation that all on-street parking meters be programmed for $.10 for two hours as opposed to the varying rates which exist presently be accepted. He said these rates would be considerably less than private operators of parking lots in the downtown area.

A discussion followed relative to downtown employees feeding meters during daytime hours.

Upon inquiry, Corporation Counsel William Moore told Council that restricting certain areas for certain hours of parking could only be made if the restriction was made due to some legitimate reason for regulating the hours such as for the health, safety, or welfare of the citizens.

Mayor Wood requested the City Manager to prepare written calculations for Council to consider; to check into the feasibility of regulating the hours of operation for the Rankin Avenue Parking Lot to permit parking only after 9:30 a.m.; and to check into the cost of reprogramming and the re-signing of changing regulations for hours of operation for on-street parking. He also requested Mike Smith, Director of Central Services, to rewrite the proposed parking ordinance for Council's consideration at next weeks meeting.

Adjournment.

Richard D. Wood Jr.
MAYOR

Miriam F. Metcalf
CITY CLERK

RESOLUTION NO. 74-158 - RESOLTUION AMENDING RESOLUTION NO. 73-44 ESTABLISHING REGULATIONS FOR THE OPERATION OF THE ASHEVILLE CIVIC CENTER

Corporation Counsel William C. Moore told Council that since a claim had been presented at last weeks Council meeting by George Moorefield relative to the holding of wrestling matches at the Asheville Civic Center he had reviewed the present rules and regulations for the operation of the Civic Center and recommended that the following amendment be made in the regulations:

(d), (1) Rentals for use of the Civic Center for wrestling matches shall be limited to no more than twice per calendar month, with no one promoter allowed more than one booking in any given calendar month; and no bookings shall be made more than 90 days in advance; in the event no other promoter has requested the other available date within thirty days of an open date, said date may be booked to the promoter who has booked the other date during said month, or to any other promoter; the manager shall determine the amount of advance deposit (equal to the minimum guarantee, plus the cost of any special facilities or extra services which can be determined or estimated in advance) and shall require that said advance deposit be paid upon the date of the execution of the lease agreement and said sums deposited shall be non-refundable."

The Corporation Counsel read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Hoyle Resolution No. 74-158 was unanimously adopted.

Complete text of Resolution No. 74-158 will be found in Resolution Book No. 8 at page 12.

PATRICK E. INGLE - REQUEST TO CONTINUE HEARING

The Corporation Counsel presented a letter received from Robert S. Swain requesting continuance of a hearing of Patrick E. Ingle relative to the appeal of findings of the Civil Service Board at a hearing on September 19, 1974. He requested that the hearing be continued for two weeks.

Mayor Wood scheduled the hearing for Patrick E. Ingle for November 14, 1974.

PARKING COMMITTEE - EQUAL PAY FOR EQUAL WORK STATEMENT

Corporation Counsel William Moore stated that he had been requested at last weeks meeting to check into the validity of the statement made by the Downtown Parking Committee that merchants would be violating the Equal Pay for Equal Work Act if employees downtown gained extra pay due to the parking situation. Mr. Moore said he had reviewed the act and that it only pertained to sex discrimation and that he had informed members of the committee of his findings.

LAUREL ROAD - LETTER OF REQUEST

The Corporation Counsel submitted a letter from Mr. Long

3. The rezoning is not in keeping with the established development plan for the area which has been recommended and adopted by the Asheville City Council effective June 14, 1974.

Mr. Emrick also presented a map and aerial photograph of the area in question.

Charles H. House, owner of a portion of the land requested to be rezoned, expressed to Council his desire to use this property for a recreational area. He said the land is not suitable for single family dwellings and that the roads referred to by the Planning and Zoning Commission have been used for a number of years by patrons of a fishing lake on the property. He also pointed out that the area around this property is being used commercially.

Mrs. Thelma Hughes, 57 Pleasant Ridge Drive, speaking on behalf of the Parkway Forest Association, told Council that they were opposed to the rezoning and that the roads leading into this property were vary narrow and development of this property could cause a traffic hazard on these roads.

Mrs. Ruth Biggs, 31 Birchwood Lane also spoke in opposition to the rezoning.

Mayor Wood closed the public hearing at 3:28 o'clock p. m.

The City Manager read the prepared ordinance which would rezone the property from RA-10 Residential to Roadside Business.

Vice-Mayor Marshall moved for the adoption of the ordinance. This motion was seconded by Councilman Hoyle.

On a roll call vote of 3-2, Ordinance No. 824 passed on its first reading with Councilmen Colton and Morris voting "no".

ORDINANCE NO. 825 - AN ORDINANCE PROVIDING FOR WATER RATES AND CHARGES

3. Consideration was given to an ordinance providing for water rates and charges.

The City Manager read the ordinance.

Mr. Bill Edens, Director of Water and Sewer Services, explained to Council that the present meters register in cubic feet and present charges for service are based upon per thousand gallons used per month which requires a conversion from cubic feet to gallons before rates can be applied. He said the new rate is proposed to be based on cubic feet thereby eliminating any conversion factor and making it easier for the customer to apply the City's rate schedule to his own consumption figures.

Mr. Edens said the average increase for a moderate user is estimated to be about 14.7 per cent and the minimum bill would reflect a 13.7 per cent increase. He said these rates are in keeping with the statement made to the public when the water bond issue was passed that it would be expected to increase the water rates an average of about 15 per cent. He said he felt this was a reasonable approach in reaching this obligation.

Thursday - November 7, 1974 - 3:00 o'clock

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen J. W. Hoyle, Bill B. Horton, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward.

Absent: Councilman Eugene C. Ochsenreiter, Jr. and Assistant City Manager/City Clerk William F. Wolcott, Jr.

1. Approval of the minutes of the October 31, 1974 meeting.

Mayor Wood noted that the minutes stated that George Beverly, Jr. had petitioned for rezoning of property on East Chestnut Street and that the minutes should read that Southern Bell Telephone Company petitioned for the rezoning with George Beverly signing the petition as agent.

This correction was noted and upon motion of Councilman Colton, seconded by Councilman Hoyle the minutes were approved as submitted.

PUBLIC HEARING - REZONING OF PROPERTY ON LAKE CRAIG ROAD

ORDINANCE NO. 824 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED.

2. A public hearing was held relative to rezoning property on Lake Craig Road from RA-10 Residential to Roadside Business for Charles, Kathleen, and Roger House, Vernon, James, and Wendall Sams, John W. Moyer, and Vallie E. Beckom.

Mayor Wood opened the public hearing at 3:04 o'clock p. m.

The City Manager read the notice to the public and affidavit of publication setting the time and date for the public hearing.

Verl Emrick, Director of Planning, read a letter from the Planning and Zoning Commission, which stated that at the regular meeting of the Commission held on October 2, 1974 the Commission voted to accept the staff report and recommend to City Council that the request be denied and the property remain as it is now zoned. He said the staff recommended denial of the request for the following reasons:

1. The site is not easily accessible to the general public who would utilize the facility. Azalea Road, on which the property fronts, is a gravel road, therefore, limiting to some degree safe traffic flow within the area. The only other access to Lots 9, 10, 11, 11-1/4, 13, 13-1/4, & 14 is from Oteen Church Road, portions of which are also unpaved.

2. No contiguity is established in that all surrounding property is presently zoned RA-10 Residential District.

Upon inquiry from Councilman Morris, Mr. Smith explained that a lot of revenue was lost from off-street parking, due to the cost of operation for these lots. However, this loss balances out from the revenues received from on-street parking fees and creates a break-even operation. He also told Council that the proposed rates were arrived at by estimating the monthly cost of operation for each lot and applying a rate which would allow for a break-even operation for parking lots.

Councilman Morris commented that he felt the taxpayers should not have to subsidize the cost of parking downtown.

In concluding the discussion, it was the consensus of Council that the original proposed ordinance would improve customer parking downtown and encourage all day parkers to use the perimeter parking lots.

Councilman Morris moved to amend the ordinance applying December 1, 1974 as the effective date for the ordinance. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 814 passed on its third and final reading.

Complete text of Ordinance No. 814 will be found in Ordinance Book No. 6 at page 110.

RESOLUTION NO. 74-159 - RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION FOR A FEDERAL GRANT TO TRAIN POLICE OFFICERS

5. Consideration was given to a resolution authorizing the Mayor to file an application for a federal grant to train police officers.

The City Manager read the resolution.

Chief J. C. Hall explained that this grant would allow for training classes at the University of Georgia for an executive development program for Crime Scene Technician, Organized Crime Homicide Investigation, Police Management, Burglary Investigation, Crime Prevention and , Criminal Investigation and Indentification.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Horton, Resolution No. 74-159 was unanimously adopted.

Complete text of Resolution No. 74-159 will be found in Resolution Book No. 7 at page 13.

BIDS - FOUR (4) TRUCKS FOR PARK AND RECREATION DEPARTMENT

6. Consideration was given to bids received October 21, 1974 for four (4) trucks for the Park and Recreation Department.

Councilman Horton said the primary concern would be that no water user would receive a bill that would be over 15 per cent of their present bill.

In discussing the rates and charges for water to customers for resale, Mr. Edens explained that in some instances these rates would reflect about a 16.1 per cent increase.

Mayor Wood suggested that the proposed last level of all over 400,000 cubic feet per month for $.28 per 100 cubic feet be reduced to $.27 per 100 cubic feet in order that the rate would only reflect an increase of 15 per cent.

Councilman Colton moved for the adoption of the ordinance and requested that Mr. Edens determine what effect the reduction of the last step of the resale rate to $.27 per 100 cubic feet would have on customers, before the second reading. This motion was seconded by Councilman Hoyle.

On a roll call vote of 5-0, Ordinance No. 825 passed on its first reading.

ORDINANCE NO. 814 - AN ORDINANCE AMENDING THE CODE OF THE CITY OF ASHEVILLE BY ADDING DIVISION 3 - CITY PARKING LOTS - TO ARTICLE V - STOPPING, STANDING, AND PARKING

4. Consideration was given to the third reading of Ordinance No. 814, an ordinance amending the Code of the City of Asheville by adding Division 3 - City Parking Lots - to Article V- Stopping, Standing and Parking.

Mr. Mike Smith, Director of Central Services, presented Ordinance No. 814, which was tabled on the second reading at the August 22, 1974 meeting. He also presented a possible alternate for Council's consideration, which reflected no increases in the rates of charges for parking on the parking lots except for the Rankin Avenue and South Lexington Avenue lots, which reflects a change from 25 cents for 2 hours to 10 cents for 2 hours. He also said the alternate included a section which would prohibit parking on the Rankin Avenue lot before 9:30 a. m.

Mayor Wood pointed out that the original proposed ordinance included a provision for the City Manager, at his discretion, may alter or suspend the normal hours of operation on the parking lots.

Mayor Wood also commented that for a number of years Southern Bell Telephone Company has made available a parking lot adjacent to the Southern Bell offices on Battery Park Hill. However, effective January 1, 1975 they intend to close the lot to the public and use it only for the employees and vehicles of the Company. He said this involves some 250 parking spaces.

Councilman Horton questioned whether or not the concept of the alternate would improve parking for customers in the downtown area.

REZONING REQUEST - SOUTHERN BELL TELEPHONE COMPANY - PROPERTY ON EAST CHESTNUT

Consideration was given to a recommendation from the Planning and Zoning Commission relative to rezoning property on East Chestnut Street for the Southern Bell Telephone Company for construction of an office building.

The City Manager read a letter from the Planning and Zoning Commission which recommended that the property be rezoned as petitioned.

Councilman Morris moved that a public hearing on the rezoning matter be held on December 5, 1974 and that the required legal advertisement be made at the petitioner's expense. This motion was seconded by Councilman Horton and carried unanimously.

GROUP DEVELOPMENT - HILLHAVEN MEDICAL PLAZA

Consideration was given to a recommendation from the Planning and Zoning Commission relative to a site plan for a proposed Hillhaven Medical Plaza, to be located on Livingston Street and Victoria Road.

The City Manager read a letter from the Planning and Zoning Commission recommending the approval of the group development plan.

Councilman Morris moved that a public hearing on the matter be held on December 5, 1974 and that the required legal advertisement be made at the petitioner's expense. This motion was seconded by Councilman Horton and carried unanimously.

GROUP DEVELOPMENT - WAREHOUSE FACILITY ON CRAYTON ROAD

Consideration was given to a recommendation from the Planning and Zoning Commission relative to a site plan of a proposed warehouse facility to be located on Crayton Road.

The City Manager read a letter from the Planning and Zoning Commission which recommended the approval of the group development plan.

Councilman Morris moved that a public hearing on the matter be held on December 5, 1974 and that the required legal advertisement be made at the petitioner's expense. This motion was seconded by Councilman Horton and carried unanimously.

APPOINTMENT OF H. PHIL SHOOK TO THE ASHEVILLE HOUSING AUTHORITY

Mayor Wood appointed H. Phil Shook as a Commissioner of the Housing Authority of the City of Asheville to serve for a term of five years, ending June 11, 1979.

APPOINTMENT OF JESSE RAY TO THE ASHEVILLE HOUSING AUTHORITY

Mayor Wood re-appointed Jesse Ray as a Commissioner of the Housing Authority of the City of Asheville to serve for a term of five years, ending June 11, 1979.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid for Item # 1 submitted by Asheville International in the amount of $10,124.90 less trade in of one (1) pick up truck for $25.00 for a net bid of $10,099.90; acceptance of the low bid for item #4 submitted by Matthews Motors, Inc. in the amount of $3,678.94 less trade-in of one (1) 3/4 ton pick up truck for $75.00 for a net bid of $3,603.94. The Purchasing Agent also stated in the memorandum that the low bid submitted by Asheville International for Item #2 did not meet specifications, therefore, the second low bid submitted by Matthews Motors, Inc. in the amount of $4,591.02 less trade in of one (1) Jeep Pick Up for $500.00 for a net bid of $4,091.02 was recommended. It was also recommended that the only bid received for item #3 from Matthews Motors, Inc. in the amount of $4,271.44 less trade in of one (1) 3/4 ton pick up truck for $100.00 for a net bid of $4,171.44 be accepted.

Vice-Mayor Marshall questioned whether or not the vehicles being used for trade in could be used by the Motor Transport Department.

Councilman Morris moved to accept the recommendations of the Purchasing Agent for all four items, with instructions to determine whether the vehicles being used as trade in would be usable in the Motor Transport Department and if so that the bidders be consulted to determine if they would accept an increase in the bid for the amount of the trade in value. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Bid Summary - Bid Request No. 232

Four (4) Trucks for Park and Recreation Department

	MATTHEWS MOTORS, INC.	ASHEVILLE INTERNATIONAL TRUCK SALES, INC.
ITEM 1: One (1) Cab Chasis with four (4) cubic yard Dump Bed	$11,073.86	$10,124.90
Less Trade-In Allowance: (Truck #761, 1968 International Pick-Up Serial No. 2129058820259)	150.00	25.00
NET BID, ITEM 1	$10,923.86	$10,099.90 ✓
ITEM 2: One (1) 4-Wheel Drive Truck	$ 4,591.02	$ 4,121.64
Less Trade-In Allowance: (Vehicle #754, less winch - 1969 Jeep Pick-Up Serial J2406M17203647)	500.00	300.00
NET BID, ITEM 2	$ 4,091.02 ✓	$ 3,904.07
ITEM 3: One (1) Pick-Up Truck with Utility Bed	$ 4,271.44	NO BID
Less Trade-In Allowance: (Vehicle #752, 1966 Ford 3/4 Ton Pick-Up Serial #F25AN931170)	100.00	
NET BID, ITEM 3	$ 4,171.44 ✓	
ITEM 4: One (1) Pick-Up Truck	$ 3,678.94	$ 3,875.52
Less Trade-In Allowance: (City Vehicle #765-1965 Ford 3/4 Ton Pick-Up Serial #F25JK674562)	75.00	25.00
NET BID, ITEM 4	$ 3,603.94 ✓	$ 3,850.02

MRS. FRED SUMMEY - 67 BREVARD ROAD - COMPLAINT - DRIVE WAY

Mrs. Fred Summey, 67 Brevard Road, told Council that five (5) families use a public driveway beside her house and that it was in bad need of repairs. She said the Street Department had scraped the road last week but it was in worse condition now than before they scraped it. She requested that something be done about the drive.

Mayor Wood requested the City Manager to check into the complaint.

PUBLIC HEARING CONTINUED - ZONING ORDINANCE

Mayor Wood reconvened the public hearing concerning the adoption of a new zoning ordinance for the City of Asheville. He said Council had completed reviewing the text of the ordinance and was now considering the zoning of particular parcels of land.

Mr. Joseph C. Bell, President of the Grove Park Association told Council that he was in favor of the new ordinance. After reviewing the proposed zoning of the Grove Park and Sunset Area he said the proposed zoning matched the expectations of the Grove Park Association.

Mr. Shuford Hall, Hollywood Street, asked Council if a day care center would be allowed in the proposed zoning of his property.

Mayor Wood advised him that his property is proposed to be rezoned to R-2 which under the permitted uses would not allow for a day care center.

Mr. Hall told Council that he felt the R-2 classification would be too strict for this area and asked Council to consider zoning the property R-3 which would allow for a day care center as a Conditional Use.

Councilman Morris move to continue the public hearing until next week at which time Council would look closely at the tax maps in terms of R-2 and R-3. This motion was seconded by Councilman Hoyle and carried unanimously.

Adjournment.

MAYOR

CITY CLERK

RESOLUTION NO. 74-160 - RESOLUTION APPOINTING MEMBER OF THE CITY OF ASHEVILLE BOARD OF ALCOHOLIC CONTROL (J. W. Byers)

Consideration was given to a resolution appointing J. W. Byers a member of the City of Asheville Board of Alcoholic Control.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 74-160 was unanimously adopted.

Complete text of Resolution No. 74-160 will be found in Resolution Book No. 7 at page 15.

PETITION - REZONING OF PROPERTIES FROM CORNER OF EDGEWOOD ROAD AND LONG STREET TO CORNER OF EDGEWOOD ROAD AND MERRIMON AVENUE

The City Manager presented a rezoning petition received from George K. and Mary H. Stewart, Mamie Presley, and William W. Smith requesting that properties from corner of Edgewood Road and Long Street to corner of Edgewood Road and Merrimon Avenue be rezoned from Neighborhood Trading Area to Business.

In the absence of any objections from members of Council, Mayor Wood referred the petition to the Planning and Zoning Commission for study and recommendation.

PROCLAMATION - OPTIMIST INTERNATIONAL YOUTH APPRECIATION WEEK

Mayor Wood proclaimed the week of November 11 - 17 as Optimist International Youth Appreciation Week.

HEARING - APPEAL OF PATRICK E. INGLE

Corporation Counsel William C. Moore advised that at last weeks meeting Council continued the hearing for the appeal of Patrick E. Ingle from rulings of findings of the Civil Service Board until November 14, 1974 at the request of Mr. Ingle's attorney.

At this time, Mr. Moore advised that he would be out of the city on that date and requested that the hearing be continued until November 21, 1974.

Mayor Wood scheduled the hearing for November 21, 1974.

CORPORATION COUNSEL'S REPORT - GEORGE W. MOOREFIELD - ASHEVILLE CIVIC CENTER

Corporation Counsel William C. Moore told Council that in recommending certain changes in the regulations for the Asheville Civic Center relative to wrestling matches at last weeks meeting he also recommended that the claim presented by Mr. Moorefield at the October 24, 1974 meeting, be denied, due to Mr. Moorefield failing to comply with the Charter of the City of Asheville before the dates specified in the claim and therefore he would have no cause for action on this claim.

Councilman Colton moved to accept the Corporation Counsel's recommendation. This motion was seconded by Councilman Hoyle and carried unanimously.

Mr. Bill Edens, Director of Water and Sewer Department, explained that he had recalculated the resale rate applying a 27¢ per 100 cu. ft. charge to a random sample of customers using in excess of 400,000 cu. ft. Based on this rate the increase would be less than 15 per cent on maximum billings and approximately 14.4 per cent on the average bill.

Councilman Morris moved to amend the Ordinance and reduce the proposed rate of 28¢ to 27¢ for customers using in excess of 400,000 cu. ft. for the resale water rate. This motion was seconded by Councilman Colton and carried unanimously.

Responding to Councilman Horton's question, Mr. Edens confirmed that the new ordinance pricing was consistent with previous policy and that it appeared that no customer would have more than a 15 per cent increase in cost.

Councilman Horton explained that he had received a letter from a citizen suggesting rate changes that cost the moderate user less and the high user more but the he would not propose a change like this at this time.

On a roll call vote of 5 - 0, Ordinance No. 825 passed on its second reading.

ORDINANCE NO. 826 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1974-75 (for vacuum leaf loader)

4. Consideration was given to an ordinance amending the Operating Budget of the City of Asheville for the Fiscal Year 1974-75 for the purchase of a vacuum leaf loader.

The Assistant City Manager read the ordinance.

Councilman Morris moved for the adoption of the ordinance. This motion was seconded by Councilman Hoyle.

On a roll call vote of 5-0, Ordinance No. 826 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of the ordinance. This motion was seconded by Councilman Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 826 passed on its second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of the ordinance. This motion was seconded by Councilman Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 826 passed on its third and final reading.

Complete text of Ordinance No. 826 will be found in Ordinance Book No. 6 at page 132.

RESOLUTION ACCEPTING DEEDS TO CERTAIN PROPERTY AND IMPROVEMENTS COMPRISING THE ROSSCRAGGON RESERVOIR AND THE MOUNT ROYAL WATER TANK, PUMP STATION AND CONNECTING WATER LINES

5. Consideration was given to a resolution accepting deeds to certain property and improvements comprising the Rosscraggon Reservoir and the Mount Royal Water tank, pump station and connecting water lines.

Thursday, November 14, 1974 - 3:00 o'clock p. m.

Regular Meeting:

Present: Mayor Richard A. Wood, Jr., Presiding; Councilmen J. W. Hoyle, Eugene C. Ochsenreiter, Jr., Bill B. Horton, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel Robert J. Robinson, substituting for William C. Moore, Assistant City Manager/City Clerk William P. Wolcott, Jr.

Absent: Vice-Mayor Calvin W. Marshall, Corporation Counsel William C. Moore, and City Manager Ernest J. Ward.

1. Approval of the minutes of the November 7, 1974 meeting.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, the minutes of the November 7, 1974 meeting were approved as submitted.

ORDINANCE NO. 824 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Property on Lake Craig Road)

2. Consideration was given to the second reading of Ordinance No. 824, an ordinance amending Ordinance No. 322, known as "An Ordinance Providing for the Zoning of the City of Asheville", as amended.

No one spoke in favor of the ordinance.

Mr. Galen Rhodes, 29 Birchwood Lane, explained that there was a bad odor from the lake on the property in question and that in the summer months the lake is very low and has many mosquitoes. He explained that residents in Parkway Forest had a meeting Tuesday evening and they were opposed to this rezoning.

Councilman Horton explained that he had visited the area over the weekend and had also reviewed the Planning and Zoning Commission's minutes and it was his opinion that it would not be desirable to change the zoning of this area at the present time.

Mayor Wood explained that he also had visited the area and he asked Verl Emrick, Director of Planning, to explain the Oteen Church Road access to the property. It was determined that this access was tied into the property and could be used without dedication.

On a roll call vote of 4-0, Ordinance No. 824 failed on its second reading with Councilman Ochsenreiter abstaining from the vote,due to being absent from last week's Council meeting.

Mr. Charles H. House, owner of a portion of the property in question, asked if he could re-submit his request again for a different zoning and he was informed by Mayor Wood that he could under the same procedure as before.

ORDINANCE NO. 825 - AN ORDINANCE PROVIDING FOR WATER RATES AND CHARGES

3. Consideration was given to the second reading of Ordinance No. 825, an ordinance providing for water rates and charges.

RESOLUTION NO. 74-162 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A SUPPLEMENTAL MUNICIPAL AGREEMENT WITH NORTH CAROLINA BOARD OF TRANSPORTATION RELATIVE TO CONSTRUCTION OF I-40 AND US 74 INTERCHANGE

7. Consideration was given to a resolution authorizing the Mayor to enter into a supplemental Municipal Agreement with North Carolina Board of Transportation relative to construction of I-40 and US 74 Interchange.

The City Manager read the resolution.

Upon motion of Councilman Oshsenreiter, seconded by Councilman Hoyle, Resolution No. 74-162 was unanimously adopted.

Complete text of Resolution No. 74-162 will be found in Resolution Book No. 8 at page 17.

RESOLUTION NO. 74-163- RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR SEWER LINE CROSSING U. S. 19, 23, 25, 70 (MERRIMON AVENUE)

8. Consideration was given to a resolution authorizing the Mayor to execute right-of-way encroachment agreement with the North Carolina State Board of Transportation for sewer line crossing U. S. 19, 23, 25, 70 (Merrimon Avenue).

The City Manager read the resolution.

Upon motion of Councilman Horton, seconded by Councilman Ochsenreiter, Resolution No. 74-163 was unanimously adopted.

Complete text of Resolution No. 74-163 will be found in Resolution Book No. 8 at page 18.

REZONING PETITION - PAUL LOCKHART - 650 HAYWOOD ROAD

The City Manager presented a rezoning petition received from Paul Lockhart requesting that Ward 5, Sheet 12, Lot 307 located at 650 Haywood Road be rezoned from RA-5 to Business.

In the absence from any objections from members of Council, Mayor Wood referred the petition to the Planning and Zoning Commission for study and recommendation.

REZONING PETITION - PROPERTY BETWEEN OLD HAW CREEK ROAD AND NEW HAW CREEK ROAD

The City Manager presented a rezoning petition from property owners in the Haw Creek Area requesting that certain lots lying generally between Old Haw Creek Road and New Haw Creek Road be rezoned from RA-6 to Roadside Business.

In the absence from any objections from members of Council, Mayor Wood referred the petition to the Planning and Zoning Commission for study and recommendation.

AVERY'S CREEK WATER SYSTEM

Mayor Wood stated that he had received a call from the Attorney for the Avery's Creek Sanitary District urging that the Council authorize the signing of a contract between the Avery's Creek Sanitary District, the Buncombe County

The Assistant City Manager read the ordinance.

Mr. Bill Edens, Water and Sewer Director, explained that the established price was fair, that the change at this time was due to adverse possession, and that there was money budgeted to make further capital improvements to this system in this years budget.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, Resolution No 74-161 was unanimously adopted.

Complete text of Resolution No. 74-161 will be found in Resolution Book No. 8 at page 16.

BIDS - WAXED PAPER CUPS FOR CIVIC CENTER

6. Consideration was given to bids received October 18, 1974 for waxed paper cups for Civic Center.

The Assistant City Manager read a memorandum from the Purchasing Agent which recommended the low base bid for item #1, 1,000,000 cups, in the amount of $11,540.00 submitted by Bell Distributing Company. He said the price of $11,540.00 for 1,000,000 cups compared to the Alternate low bid of $6,500.00 for 500,000 cups represents a savings of $1,460.00 for the larger quantity. He also said subsequent to solicitation of bids, Mr. Evans, Civic Center Manager, has requested that bid items 2 and 3 be cancelled. He said a smaller popcorn cup will be rebid at a future date and item #3, rolls of film for cup capper are not required at this time and can be handled on an informal bid basis as needed. It was determined that this item was anticipated in the budget and these were the same type cups used currently.

Councilman Hoyle moved to accept the recommendation of the Purchasing Agent and award the bid to Bell Distributing Company, in the amount of $11,540.00. This motion was seconded by Councilman Colton and carried unanimously.

Bid Summary — Waxed Paper Cups for Civic Center

Item	Bidder		
	Standard Paper Co.	Bell Distributing	Henley Paper Co.
Item #1 1,000,000 (10 oz. size cold drink cups)	11,700.00	11,540.00	11,770.00
Item #1 - Alternate 500,000 (10 oz. size cold drink cups)	6,500.00	No Bid	6,525.00
Item # 2 - 250,000 (32 oz. size popcorn cups)	8,375.00	8,410.00	8,410.00
Item # 2 - 100,000 (32 oz. size popcorn cups)	3,350.00	No Bid	3,364.00
Item #3 - 1 Roll FF216 Shrink film for cup capper	$61.25/ea.	No Bid	$64.29/ea.

Mr. Ramsey also suggested that parking be prohibited before 9:00 a. m. around the Federal Building.

Mayor Wood pointed out that this had been checked with the City Attorney and it was his opinion that this could only be done if applied uniformly in the downtown area.

Mr. Ramsey also commented on the phrase "equal pay for equal work" for employees gaining extra pay for increased parking fees.

Mayor Wood pointed out that the City Attorney had checked into this and that it would only apply to hiring discrimination practices.

Mr. Ramsey suggested that foot patrolmen be reinstated downtown.

Mayor Wood explained that this subject was dealt with at length at the October 24, 1974 Council meeting and he asked that the report submitted by Chief Hall explaining the change from footpatrol to scooter patrol be mailed to the petitioner.

Mr. B. Gordon, Gordon's Jewelers, said that he had heard a rumor that the City was not going ahead on the construction of the parking garage.

The Mayor explained that the Council had reviewed the plans in the past two weeks, that the bids would be opened December 1, 1974 and the Council would decide to let the contract sometime before the first of the year.

Mr. Gordon also explained that the merchants were experiencing thefts in their stores and he attributed the increase and existence of the problem to the lack of foot patrolmen in the downtown area.

Mr. Ken Raisen also spoke about the need for foot patrolmen.

Both indicated that seeing policemen walking the streets had a deterent psycholigical effect on would be thieves.

After considerable discussion Mayor Wood asked that Mr. Ward and Chief Hall work up putting on additional men for footpatrol, and where funds could be gotten and at the same time prescribe the present system of scooter patrol.

PUBLIC HEARING - ZONING ORDINANCE

Considerable discussion was held on the advisibility of adding "Conditional Uses" activities to R-2 in order that nursery schools and other conditional uses in R-3 could be included in R-2.

This discussion was over the Shuford Hall property and their previous interest in rezoning the property under the present ordinance.

Mrs. Lewis and Mr. Shackelford spoke against the rezoning and/or "Conditional Use" change.

Councilman Horton moved that the same conditional uses in R-3 be included in R-2. This motion was seconded by Councilman Colton. This motion failed 3 -2.

Mayor Wood explained that this was one of many items to be considered throughout the public hearing process and that after the public hearing process was

Commissioners, and the City, otherwise the Avery's Creek Sanitary District could not qualify for Clean Water Bond funds in this 90 day cycle to be approved by the State.

Mr. Edens explained the proposal and the relationship of the other improvements to the South Buncombe Area - particularly the improvements that were to be made for Coca-Cola.

Mayor Wood said that the Council had recently passed a resolution to take ownership and maintain the system once constructed and he was under the impression that this was all that was necessary until todays request to sign the contract. Mayor Wood pointed out that the contract would extend the Sullivan Act to these customers and that they were not originally included as recipients.

Councilman Colton and Morris voiced objection to extending this benefit.

Another questioned point of the contract was the guarantee of water pressure.

Councilman Ochsenreiter stated that all aspects of the contract should be reviewed.

Mayor Wood indicated that it was his understanding that if Council did not act today it would only delay action by the State for another 90 days.

The contract was referred to the City Attorney with instructions to explore the contents, considering the objections, with those involved.

PROCLAMATION - NATIONAL RETARDED CITIZENS MONTH

Mayor Wood proclaimed the month of November as National Retarded Citizens Month.

WHITE HOUSE CHRISTMAS TREE

Mayor Wood explained that he had read where the White House Christmas Tree was coming from Rome Mountain and it was customary for the Congressman from the donating district to light the tree. Mayor Wood requested permission from Council to write to the Speaker of the House Carl Albert suggesting and recommending that Congressman Roy Taylor light the tree.

Councilman Morris moved that the Mayor's recommendation be accepted. This motion was seconded by Councilman Hoyle and carried unanimously.

DOWNTOWN PARKING AND FOOT PATROLMEN

Mr. Bonson Ramsey commented on the recently passed ordinance which increased the downtown parking rates. He suggested that all parking lots have meters with a 2 hour limit with spaces also provided for monthly parkers.

Councilman Morris pointed out that it was not the City's intent to make money on parking but to at least breakeven. It was his opinion that the new ordinance recently passed improved the possibility of this happening.

The new ordinance was also designed to discourage employee parking in the prime downtown lots and improve customer parking. Mike Smith compared the new rates stressing the high cost of all day parking and the proposed plan to have more parking meters used on off street lots.

Thursday, November 21, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of the November 14, 1974 meeting.

Upon motion of Councilman Hoyle, seconded by Councilman Ochsenreiter, the minutes of the November 14, 1974 meeting were approved as submitted.

ORDINANCE NO. 825 - AN ORDINANCE PROVIDING FOR WATER RATES AND CHARGES

2. Consideration was given to the third and final reading of Ordinance No. 825, an ordinance providing for water rates and charges.

The City Manager recommended that a section be added for rates and charges for water delivered to customers outside Buncombe County. He said this section had been overlooked in the preparation of the original ordinance and concerned customers in Industrial Park in Hendersonville.

Councilman Morris moved to amend the ordinance by adding Section 3 for rates and charges for water delivered to customers outside Buncombe County. This motion was seconded by Councilman Colton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 825 passed on its third and final reading, with an effective date of January 1, 1975.

Complete text of Ordinance No. 825 will be found in Ordinance Book No. 6 at page 130.

BIDS - BULK ROCK SALT FOR SNOW AND ICE CONTROL

3. Consideration was given to bids received November 18, 1974 for bulk rock salt for snow and ice control.

The City Manager read a memorandum from the Purchasing Agent which stated that Morton Salt Company submitted the lowest bid at $18.00 per ton - minimum direct shipment of 300 tons, lesser quantity would be accepted for drop shipment combined with order from another customer to meet the minimum 300 ton load. Therefore, due to the delivery conditions of Morton Salt Company, it was recommended that the second lowest bidder, International Salt Company be awarded the bid at $18.60 per ton for shipment in carload lots.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the contract to International Salt Company at $18.60 per ton. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

completed the full text of the ordinance would be read and considered at three formal readings and at anytime in that process any recommendation for change could be considered.

Mayor Wood asked that Mrs. Hall and Mr. Shackelford be notified of the first formal reading of the ordinance.

Mayor Wood continued the public hearing until the next Council meeting.

Adjournment.

Richard D. Wood, Jr.
MAYOR

Dorcas D. Mallette
CITY CLERK

BIDS - SUBGRADE PREPARATION AND NEW SIDEWALK - COLLEGE STREET

RESOLUTION NO. 74-164 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH TAYLOR AND MURPHY CONSTRUCTION COMPANY, INC. FOR THE WORK KNOWN AS COLLEGE STREET - SUBGRADE PREPARATION AND NEW SIDEWALK

6. Consideration was given to bids received November 19, 1974 for subgrade preparation and new sidewalk for College Street.

The City Manager read a memorandum from William Edens, acting as City Engineer, recommending the low bid of Taylor and Murphy Construction Company in the amount of $45,374.60. He said this was for subgrade preparation for College Street from Spruce Street to Valley Street which includes removal and disposal of old pavement, street car tracks, sidewalk and curb, adjustment of utility appurtenances, grading to lines and elevations as shown on contract drawings and construction of a new concrete sidewalk. He said this would be the City's contribution to Urban Renewal.

Mayor Wood pointed out that this basically gets the area ready for paving and includes curb, guttering, and sidewalk. He also pointed out that these bids included unit prices which could be accepted or Council could contract for a total amount.

Upon inquiry of Mayor Wood, Mr. Edens explained that the timing for completion of the work from Taylor and Murphy Construction Company was 90 days from date of notice to proceed. He also explained that the contractor stated that he would begin work within ten (10) days after notice to proceed.

It was the consensus of Council that the Street Department could possibly do part of the work and the work should not be done before street paving time.

Councilman Colton moved to accept the low bid of Taylor and Murphy Construction Company, Inc. for unit prices only. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Councilman Morris suggested that Mr. Edens contact Taylor and Murphy Construction Company to see if they could provide a schedule that would end up about the time that paving could be done in order for coordination.

Bid Summary

Bidder	Bid
Taylor and Murphy Construction Co.	$45,374.00
Perry M. Alexander Construction Co.	51,426.50
Asheville Paving Company	59,196.75

RESOLUTION NO. 74-165 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH BUNCOMBE CONSTRUCTION COMPANY FOR THE DEMOLITION OF EXISTING LOADING DOCK AND THE REPLACEMENT OF SAME FOR THE ASHEVILLE CIVIC CENTER AUDITORIUM

7. Consideration was given to a resolution authorizing Mayor to enter into contract with Buncombe Construction Company for the demolition of existing loading dock and the replacement of same for the Asheville Civic Center auditorium.

The City Manager read the resolution and a letter from Baber, Cort and Wood, architects, which recommended the acceptance of the low bidder, Buncombe Construction Company, in the amount of $11,500 for the construction of said loading dock. He also read the tabulation of bids which were as follows:

Bid Summary

Approximately 300 tons bulk rock salt for Snow and Ice Control

	Diamond Crystal Salt	Morton Salt	International Salt
Bid	$19.84/ton	$18.00/ton	$18.60/ton
	$5,952.00	$5,400.00	$5,580.00
Delivery	1 - 2 days	14 days	15 days
Minimum Shipment	22 tons	300 tons	100 tons

BIDS - TRAILER MOUNTED ENGINE DRIVE SUCTION UNIT FOR VACUUM COLLECTION AND MULCHING OF LEAVES FOR PARK AND RECREATION DEPARTMENT

4. Consideration was given to bids received November 18, 1974 for one (1) trailer mounted engine drive suction unit for vacuum collection and mulching of leaves for Park and Recreation Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the low bid submitted by Porter Brothers, Inc. in the amount of $4,365.00.

Councilman Colton moved to accept the recommendation of the Purchasing Agent and award the contract to Porter Brothers, Inc. in the amount of $4,365.00. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary
One (1) Trailer Mounted Engine Drive Suction Unit for Vacuum Collection and Mulching of Leaves

Bidder	Bid
Porter Brothers	$4,365.00
Interstate Equipment Co.	5,250.00
N. C. Equipment Co.	8,715.00
H & H Equipment Co.	5,272.11
Carolina Equipment Co.	4,400.00

BIDS - TRACTOR LOADER/BACKHOE COMBINATION FOR STREET DEPARTMENT

5. Consideration was given to bids received November 18, 1974 for one (1) tractor loader/backhoe combination for Street Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the low bid submitted by Farm Equipment Company in the amount of $12,812.00. He said this item was re-bid at an earlier request due to discrepancies in original specifications.

Councilman Ochsenreiter moved to accept the recommendation of the Purchasing Agent and award the contract to Farm Equipment Company in the amount of $12,812.00. This motion was seconded by Councilman Horton and carried unanimously.

Bid Summary - One (1) Tractor Loader/Backhoe Combination for Street Department

Bidder	Bid
Arden Equipment Co.	$13,550.00
Farm Equipment Co.	12,812.00
Bruce Construction Co.	14,505.16
Western Carolina Tractor Co.	No Bid

Mr. Moore said it was his understanding, even though he was not present for the hearing and took no part in it, took no part in the findings of fact or anything else - this was done by the Civil Service Board which he thought was proper. He said there is nothing in the Code, that he knew about, that required it to be incumbent upon the Civil Service Board to hear this tape and that was the only statement in there and these are the facts as they exist - He said it was now incumbent on the Council to either approve or disapprove the report and he thought, of course, Mr. Swain would be entitled to be heard.

Mayor Wood stated that it was not up to Council to hear additional testimony, but merely to consider the recommendations based upon the record before the Civil Service Board.

The Corporation Counsel turned the exceptions over to the Mayor.

Statement of Mr. Robert Swain follows:

Mr. Swain - I have followed this matter since it began - may I inquire - I take it that each of the members have been provided with copies of the evidence.

Mayor Wood - They were presented to us in Council meeting about six (6) weeks ago.

Mr. Swain - In this matter there are one or two things that I wish to call to the attention of the Council. We have a young man who has dedicated himself to a profession. The work of a police officer is no longer a casual type work. It requires education and dedication through one's call. Its very professional and specified occupation, much as that of an attorney or of any professional man - insurance person or real estate broker perhaps. This is the part that I sometimes wonder whether everyone really understands. By recent legislation the officers are certified under a statewide Board - much as the Board of Law Examiners or the Bar would approve and permit a lawyer to serve or as the Real Estate or Insurance Board might permit a person to follow his chosen profession in those areas.

With that in mind, Pat Ingle was certified - his discharge de-certifies him and takes from him the ability to serve as a police officer - not only in Asheville- it takes his profession from him - its much the same as a disbarment proceeding with the State - So I don't want to belabor this matter but I want you to realize that this is the only place that this young man can obtain some relief. There have been no criminal charges brought against this young man. He has never been formally accused, no civil action for any damages have been brought against him. He has never, in fact, been reprimanded for his conduct as a police officer by his superior. I was rather shocked in looking at the testimony of Chief Hall in which, he at the Board hearing - and its in here - to the effect that this young man had never - that the complaints listed here against him had never been brought against him except the one about the Cauble boy and I understand how that happened. He was never reprimanded about this Dora White matter - that was while apparently there was some complaint made to the Police Chief in May. This fact was never mentioned to him. He was never called in by any Captain, or any Lieutenant- noboby had cautioned or ask him to correct any particular way he was doing. He had served about a year on the police force at that time and so far as this young man knew his conduct was appropriate for that of a police officer. Everyone of the witnesses who appeared there testified that he worked hard, he was never late for court, he never laid off, he never had excuses for sickness, he was an able, healthy, young police officer.

Associated Constructors, Inc.	$16,900
C. C. Blount Construction Co.	20,000
Buncombe Construction Co.	11,500
Hobson Construction Co.	17,350

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 74-165 was unanimously adopted.

Complete text of Resolution No. 74-165 will be found in Resolution Book No. 8 at page 20.

HEARING - PATRICK E. INGLE - APPEAL FROM CIVIL SERVICE BOARD RULINGS

8. Mayor Wood announced that members of Council had been furnished some weeks ago with a copy of the findings of the Civil Service Board and a transcript of the hearing had before the Civil Service Board.

Mr. Robert Swain was present on behalf of Mr. Ingle.

Mayor Wood asked Corporation Counsel William C. Moore to outline the procedures in the hearing.

Mr. Moore explained that under Section 38 of the Asheville City Code the Board, being the Civil Service Board, shall make a written report of its findings and recommendations and this report together with the evidence and charges shall be filed with the City Clerk and be open to the public for inspection and within five (5) days after the filing of the report of the Board with the City Clerk, the City Manager or an employee affected, may request the City Council to approve or disapprove this report. In the absence of such request, the report shall be final and conclusive at the expiration of said five day period. Otherwise, the City Council shall, at a regular session, vote on the approval or disapproval of the same. It shall require the affirmative votes of five members of the Council to disapprove the report. Lacking such five votes, the report shall be approved. In either event, the action of the City Council is final.

Mr. Moore said this had been on for some period of time and Mr. Swain had conflicts and he had conflicts last week and it was continued by consent in writing agreements between the City Council and himself and Mr. Swain whereby it was continued. He said a report had been filed from Mr. W. Earl Williams, Director of the Asheville Civil Service Board, and also a copy attached thereto with their recommendations and a copy attached thereto of the entire transcript of the hearing. He said he had received from Mr. Swain and Mr. Joel Stevenson, Mr. Swain's associate, some exceptions on appeal. These exceptions had to do with failure of the Civil Service Commission to find specific facts upon which to base its ruling and at the time of the hearing Counsel stated that he would not cross examine certain witnesses if the Board would hear and consider a certain tape recording of the testimony in a preliminary hearing in the case State vs. Muckelvene. He said there was only one reference in this to the tape in Mr. Stevenson on page 55 which states that " the tape that I referred to can be found. I will make it available. It should be ready this afternoon- it will be pretty well repetitive of the evidence that did come out when the Muckelvene incident was discussed. It will show what was said there, who was present and generally what _____."

rules and regulations which in part prohibits oppressive use of authority. Now, what have you found him guilty of - where have they found him - where are any facts found. Does this Board know exactly from this report where the Civil Service Board says that he excerised excessive authority. There is no showing in the whole record that he hit - that he hit Gary Muckelvene - he didn't strike him. There is no showing that he struck Dora White and he did not - never hit a one of them although he was undoubtedly might may have felt like it under these circumstances. Gentlemen, I hope that this will not be just a rubber stamp proposition. This is very important to this young man. This will take his profession - One that he has worked hard and long at and one that he is dedicated to. - one that he can perform for the public and rather than if there has been some wrong done, tighten up on his superiors. Where were they when these complaints were being given. If there was something wrong over this long period of time why didn't one of the Lieutenants or Captains come in and say Look here, Pat, you can't do this or do that - that didn't happen- none of these complaints were brought to his attention until it all came about when this rock mason who happen to stir up a little bit of steam and I would say not all of it honestly, because he misled his own boss into going on the radio and causing this steam. I ask you, Gentlemen, I hope I haven't taken too much of your time but I ask each of you sincerely - there are people here who know that this young man is a good young man. He is a Christian young man. He attends Church. He does the things that he should do to be an upstanding example of police officers. I might say it might do us all a little better to follow his example a little once in a while. I respectfully ask you to review this record if you can find specific instances - if you can think of any police officer who patrols the streets and has not occasionally used excessive force or maybe bad judgment under certain circumstances, I'd like to see that officer. I've tried to be as brief as I may - I hope that I haven't taken your time from something more important but this is the most important thing that has ever happened to this young officer and I hope that you will review the record and will give careful consideration to it and I ask you most respectfully- give this young man an opportunity to be certified- let the decision of the Board be overturned - this young man can find other employment. People are screaming for police officers to work and here is a man that wants to work - and here is one that ought not to be de-certified. He doesn't have to work for Asheville but I want him to be able to work somewhere, where he can perhaps serve the public. I thank you.

Mayor Wood - Mr. Swain, you mentioned that there was nothing in the record that indicated that Mr. Ingle had struck any of these individuals.

Mr. Swain - Yes Sir.

Mayor Wood - Do you think that it is necessary to strike an individual in order to violate a portion of Rule 13 where it talks about oppressive use of authority?

He was alert and he was dedicated. Now, my proposition, is this, if we must condemn someone - I know that there was a big hoorah here over some man who disobeyed and would not cooperate with the police. There was some attempt to inject racial differences into this matter and I know that possibly - I don't know why truthfully - I do not know why this young man had to be fired as a policeman and his certification removed whereby he can obtain no employment with any law enforcement board within this State. This may be - maybe this young man did something wrong. They say that on one occasion where there was disruption down here in the magistrate's office he took hold of a woman and had to arrest her or he felt that he did and he did arrest her under the conditions. As it turned out, the Court did find that the woman was not guilty of the charge. But, Gentlemen, if this is going to be the criteria for arrests then I expect that every policeman should be discharged if he can't convict in every case. The case of the Muckelvene matter, that there was a conviction had in that matter in the District Court on appeal. Judge Martin felt that there was certain defects in the process that caused him to dismiss the matter there. According to all of these things I don't see where - when there has been no criminal law violated - where there has been no action brought against him by anyone - where he has never been reprimanded until after the Board decided to fire him - then they - or when the Chief decides to fire him - then they reprimand him - and in the sense of fairness - Gentlemen, and I have to look in the mirror occasionally and say all right - thats all right maybe we can fire this old guy over here it doesn't matter but when I look in a mirror and say - Swain, if they were taking your law licenses away on petty grounds like this - would you feel like justice had been done. Gentlemen I respectfully ask you to overturn the action of the Civil Service Board. Let this young man be re-certified - he can be employed - this is his chosen work - he has at his own expense, taken extension courses in law enforcement - he has been dedicated to this call and Gentlemen you may feel that he has been a little too alert, maybe a little too edgey - maybe he has acted with haste on occasion but there was an incident that occurred about a month ago in the basement of our Court house in which two of our finest highway patrolmen lost their lives - that concerns me a great deal more than what happen to some impudent rock mason who refused to give an officer his drivers licenses. I submit to you that you need officers who have some grit - you need officers who are alert and I'll submit to you that they would never have killed Pat Ingle down in that breathalyzer room.

Now, we have pampered minority, we have permitted our boards, our courts - everyone has bowed to the desires of these persons who have cried - let him be crucified without regard for what real justice is to that person. And I think Gentlemen - and I hope that you can agree that while this young man may have acted hastily on occasions - but each of these occasions were borderline propositions. There was no overbearing - there was no pushing somebody who was obviously innocent- there was no stealing an apple off of somebody's grocery store - there was no muzzling in and making somebody give him a free cup of coffee when they didn't want to - there was none of this type of conduct. This young man is clean. He doesn't drink, he doesn't have any habits which are not commendable and for the Board to sit here and say that in their opinion and all through this Rule 13 there are many, many, many specified acts where you could say well he got drunk on duty or he cursed someone or he did some of these acts but with this one thing we find that he violated Rule 13 of the

RECESS - CITY COUNCIL

Mayor Wood called for a five minute recess at 4:00 o'clock p. m.

RESOLUTION NO. 74-166 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE EASEMENT IN FAVOR OF THE CAROLINA POWER AND LIGHT COMPANY (Airport Property)

Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute easement in favor of the Carolina Power and Light Company (Airport property).

The City Manager read the resolution and explained that this line is to serve the Instrument Landing System now being worked on by the FAA.

Upon motion of Councilman Morris, seconded by Councilman Horton, Resolution No. 74-166 was unanimously adopted.

Complete text of Resolution No. 74-166 will be found in Resolution Book No. 8 at page 21.

RESOLUTION NO. 74-167 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE EASEMENT IN FAVOR OF THE CAROLINA POWER AND LIGHT COMPANY (Flint-Hiawassee)

Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute easement in favor of the Carolina Power and Light Company (Flint Street and Hiawassee).

The City Manager read the resolution and explained that this was for service to the Civic Center.

Upon motion of Councilman Morris, seconded by Councilman Horton, Resolution No. 74-167 was unanimously adopted.

Complete text of Resolution No. 74-167 will be found in Resolution Book No. 8 at page 22.

RESOLUTION NO. 74-168 - RESOLUTION AUTHORIZING DIRECTOR OF FINANCE TO SELL SURPLUS PROPERTY (Office Equipment)

Consideration was given to a resolution authorizing the Director of Finance to sell surplus property (office equipment).

The City Manager read the resolution and explained that the Charter provides that no sale of surplus personal property having a replacement cost in excess of $100 shall be made by the Director of Finance unless direction is made by the Council by resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Ochsenreiter, Resolution No. 74-168 was unanimously adopted.

Complete text of Resolution No. 74-168 will be found in Resolution Book No. 8 at page 23.

Mr. Swain - No, Your Honor, that is a very - I would say that a dirty look might do that - I would agree with you.

Mayor Wood - Any questions of Mr. Swain?

Councilman Horton - Do we have a copy of this Rule 13, that could be read to us?

Mr. Swain - Responsibility - Department Heads
The administrative head of each respective department is held responsible for the proper conduct of his department and for the enforcement of the rules of the Board. He may discharge, reduce in rank, or suspend without pay, any member of his respective department for violating any constitutional law, state law, City Ordinance or rule of the City Council pertaining to his work, or of misconduct to the Board, or to his superior officer or officers, conduct unbecoming an employee of the City, conduct which might bring discredit upon, or disrepute to the City; insubordination, inefficiency, oppressive use of his authority, or neglect of duty; provided, however, that no member of the Classified Service shall be suspended for a period longer than ninety days, and provided further, that any member discharged, reduced in rank, or suspended, shall have the right of appeal as set out in the Civil Service Act. No employee shall belong to any organization which has been designated as subversive by Attorney General of the United States. The Civil Service Board being mindful of its obligation to the citizens of Asheville, fully accepts its responsibility to see that the above requirements are strictly enforced.

Mayor Wood - Any other questions of Mr. Swain?

Mr. Swain - I might wind up one thing, when I was Solicitor here for 12 years this type of thing was quite frequent. We had tc worry about various cases where somebody had a knot on his head that was suppose to have been brought about by some policeman when he shouldn't have done it. We were always pretty well able to work those matters out without too much difficulty and without the officers being fired because they had to hit a drunk or some sort of a in a fight and I may - I just felt like there was some other way of working it out rather than destroying the man's future. Thank You.

Mayor Wood - Mr. Moore, how do we proceed from here?

Mr. Moore - Mr. Mayor, under section 38 it states that the City Council shall, at regular session, vote on the approval or disapproval. It shall require the affirmative votes of five (5) members of the Council to disapprove the report. Lacking such five (5) votes the report shall be approved and in either event the action of the City Council is final.

Mayor Wood - Any comments by members of Council before proceeding to a roll call vote?
I'll ask the City Clerk to call the roll and request that each member of Council state as to whether he approves or disapproves the report of the Civil Service Board.

Councilman Ochsenreiter - I approve
Councilman Colton - I approve
Councilman Morris - I approve
Vice-Mayor Marshall - I approve
Councilman Horton - I approve
Councilman Hoyle - I approve
Mayor Wood - I approve

Corporation Counsel Moore suggested that the ordinance be changed whereby a five (5) year amortization period be placed on signs and a ten (10) year period on salvage yards.

Councilman Horton asked what determines the qualifications of a salvage yard and who would be affected.

After a lengthy discussion, Mayor Wood requested Mr. Moore to confer with Mr. Emrick and Mr. Johnson relative to the language of the ordinance and defination of the uses to be amortized in a particular period of time.

Mr. Emrick then continued with the explanation of the different zoning areas as proposed.

Councilman Colton was excused at 5:35 o'clock p. m.

The public hearing was continued until the next meeting and Mayor Wood announced that there would be no Council meeting on November 28, 1974 due to Thanksgiving Day.

Adjournment.

Richard A Wood Sr
MAYOR

William F Wolcott Jr
CITY CLERK

DOWNTOWN FOOT PATROL - CITY MANAGER'S REPORT

The City Manager reported that at the last Council meeting he was requested to confer with Chief Hall relative to improving downtown patrol. He said as a result beginning November 18, 1974, men assigned to motor scooter patrol were directed to foot patrol streets when scooters are parked. Also personnel from the Youth Division are in the downtown area during the day. He said reports are that merchants are pleased with this change and this was confirmed by Councilman Hoyle.

Mayor Wood requested that the City Manager keep this matter under consideration and to confer with Chief Hall from time to time.

LEAF MACHINE

The Assistant City Manager advised Council that the new leaf vacuum would be in operation on Friday.

BREVARD ROAD - DRIVEWAY

Vice-Mayor Marshall questioned what action had been taken relative to a complaint received from Mrs. Summey on Brevard Road regarding a driveway. He said the residents have offered to pay for the paving of this drive.

Mayor Wood requested the City Manager to report on this matter at the next Council meeting.

PUBLIC HEARING - ZONING ORDINANCE

The public hearing concerning the adoption of a new zoning ordinance for the City of Asheville continued.

Corporation Counsel William C. Moore reported that he had consulted with the N. C. League of Municipalities and other officials located in Raleigh,who are considered to be experts in the zoning field, relative to legislating out non-conforming uses as proposed in the new zoning ordinance. He said the majority of the courts have not settled this issue directly, however most of them stated that you can but it must be amortized over a period of time. He said no case has ever been settled in North Carolina except for one on signs. In consulting with the League, he said, it was their feeling that any other additional taking of property at this time would probably be subject to court action and a determination would have to be made as to whether or not the amortization was reasonable. He recommended that until some settled law is made regarding this matter that Council refrain from putting this in the ordinance except for putting an amortization period of five (5) years on non-conforming signs.

Mayor Wood commented that perhaps a ten (10) year amortization period could be placed on other non-conforming uses and the time period could have been in force for a number of years when it is tested in court.

Mr. Emrick, Director of Planning, stated that the proposed ordinance reflected a five (5) year amortization period for auto wrecking yards, building material salvage yards, general salvage yards, scrap metal processing yards and contractor's storage yards . He also stated that the ordinance proposed a three (3) year amortization period for non-conforming signs. He said this was made to encourage these uses to move to areas where they would not be offensive and would be in an area zoned particularly for that use.

Mr. Fox and Mr. George Tisdale, executives with the Southern Bell Telephone Company, explained that their company planned to construct a one story, 12,000 sq. ft. building on this and adjoining property, to house a long distance exchange. He said that approximately 250-300 employees would be working in the building and that there would be adequate parking. They felt that the building and the planned landscaping would be an asset to the area.

No one spoke in opposition to the rezoning.

Vice-Mayor Marshall closed the public hearing at 3:17 o'clock p. m. and the City Manager presented the prepared ordinance. Councilman Morris moved for the adoption of the ordinance which was seconded by Councilman Hoyle.

On a roll call vote of 5-0, Ordinance No. 827 passed on the first reading.

PUBLIC HEARING - SITE PLAN FOR PROPOSED HILLHAVEN MEDICAL PLAZA - LIVINGSTON STREET AND VICTORIA ROAD

3. A public hearing was held to consider the approval of a site plan of a proposed Hillhaven Medical Plaza to be constructed on Livingston Street and Victoria Road.

Vice-Mayor Marshall opened the public hearing at 3:20 o'clock p. m. and asked the City Manager to read the notice to the public and the affidavit of publication setting the time and date for the public hearing. He then called on Verl Emrick, Planning Director, to give the recommendations of the Planning and Zoning Commission. Mr. Ermick read a letter addressed to Council from the Planning and Zoning Commission which recommended approval of the plan. He further explained that the medical complex would include three (3) buildings of wood frame condominium type construction with a total floor area of 26,946 square feet. Its use he said was for doctor's offices and was designed to accommodate 18 doctors and their staffs. He said that ample parking was being provided in accordance with the Zoning Ordinance requirements.

Mr. Ridgley Robinson, of Moore-Robinson Associates, architects, answered general questions posed by Council.

No one spoke in opposition to the site plan.

Vice-Mayor Marshall closed the public hearing at 3:29 o'clock p. m.

Councilman Colton moved for the approval of the site plan. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

PUBLIC HEARING - SITE PLAN OF A PROPOSED WAREHOUSE FACILITY LOCATED ON CRAYTON ROAD

4. A public hearing was held to consider the approval of a site plan of a proposed warehouse facility to be located on the Joe M. Troitino property on Crayton Road and being developed by H. S. Williams Company.

Vice-Mayor Marshall opened the public hearing at 3:30 o'clock p. m. and asked the City Manager to read the notice to the public and the affidavit of publication. He then asked Mr. Verl Emrick, Planning Director, to give the recommendations of the Planning and Zoning Commission.

Thursday, December 5, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Vice-Mayor Calvin W. Marshall, Presiding; Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Acting Corporation Counsel Jones Byrd, substituting for William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/ City Clerk William F. Wolcott, Jr.

Absent: Mayor Richard A. Wood, Jr. and Corporation Counsel William C. Moore

Vice-Mayor Marshall presiding for Mayor Wood opened the meeting and noted the absence of Mayor Wood and Corporation Counsel William C. Moore whom he said were attending a seminar in Morganton, N. C. He introduced Mr. Jones Byrd as Acting Corporation Counsel. At this time Vice-Mayor Marshall suggested to Council that in lieu of the lengthy agenda and the absence of Mayor Wood and Mr. Moore, that the scheduled continued public hearing relative to the new zoning ordinance be further continued until the following week. Councilman Ochsenreiter moved that the scheduled continued public hearing relative to the adoption of a new zoning ordinance be further continued until the regular Council meeting of December 12, 1974. This motion was seconded by Councilman Hoyle and carried unanimously.

1. Approval of the minutes of the November 21, 1974 meeting.

Upon motion of Councilman Hoyle, seconded by Councilman Horton, the minutes of the November 21, 1974 meeting were approved as submitted.

PUBLIC HEARING - REZONING PROPERTY ON EAST CHESTNUT STREET FOR SOUTHERN BELL TELEPHONE COMPANY

ORDINANCE NO. 827 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. A public hearing was held to consider the rezoning of Lots 126 and 127-1/2, Sheet 16, Ward 2 from RA-6 Residential District to RA-M Residential District as requested by Southern Bell Telephone Company through their agent George Beverly, Jr.

Vice-Mayor Marshall opened the public hearing at 3:02 o'clock p. m. and the City Manager read the notice to the public and the affidavit of publication setting the time and date for the public hearing.

Mr. Verl Emrick, Planning Director, read a communication from the Planning and Zoning in which they recommended to Council that the request for the rezoning be approved. He added that the location of the property was not suited for residential use; that the structure now occupying the property was dilapidated and not in use; that contiguity was established in that the lots adjoining to the south are already zoned RA-M; and that the rezoning is in keeping with the proposed development plan for the area.

The planning area would generally be the one mile beyond the City Limits plus Woodfin and Biltmore Forest.

The scope of work would generally be planning and coordination of all modes of transportation as required under Section 112 of the Federal Highway Act of 1973.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, Resolution No. 74-170 was unanimously adopted.

Complete text of Resolution No. 74-170 will be found in Resolution Book No. 8 at page 26.

RESOLUTION NO. 74-171 - RESOLUTION APPROVING OF THE INTENT OF THE MONTFORD RECREATION CENTER COMPLEX

7. Consideration was given to a resolution approving of the intent of the Montford Recreation Center Complex.

Ken Michalove, Assistant City Manager, explained that in two previous resolutions by Council that they had appropriated funds to construct a Recreation Center in the Montford Area and for several months staff and Montford Area residents have been seeking a suitable location. The proposal by Montford Area residents, spearheaded by Mrs. Orlene Simmons , was to construct the facility on the corner of Gay Street and Pearson Drive and purchase sufficient property between that location and Riverside Park to make the facilities a single Recreation Center Complex.

Ray Kisiah, Director of Parks and Recreation, then reviewed in detail the proposed facility.

Ken Michalove explained that the entire complex as presented would cost an estimated $1,336,358 and that the purpose in the resolution before the Council was to approve the site location and appropriate all of the $459,000 Model Cities Community Development Block grant transition funds to this project.

Mrs. Orlene Simmons thanked Council and the City Staff for preparing the information and plans and presented each of them an award of recognition.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Morris Resolution No. 74-171 was unanimously adopted.

Complete text of Resolution No. 74-171 will be found in Resolution Book No. 8 at page 27.

RESOLUTION NO. 74-172 - RESOLUTION APPROVING APPLICATION FOR MODEL CITIES TRANSITION FUNDING

8. Consideration was given to a resolution approving application for Model Cities Transition funding.

The City Manager read the resolution

Mr. Emrick read the Planning and Zoning Commission's report to Council which recommended the approval of the project. He stated that in the development specifications, the developer stated that the building will be a one story facility with a gross floor area of 100,000 square feet and will be used specifically for rental warehousing. Mr. Emrick informed Council that the developer had been advised that any amendments to this project or any future development of the site either in phases or complete site development would be subject to review by the Planning and Zoning Commission.

Mr. Gary Dodd, spoke on behalf of Troitino and Brown, and asked Council to give the site plan their consideration for approval. He answered several general questions from Council.

Vice-Mayor Marshall closed the public hearing at 3:41 o'clock p. m. and Councilman Morris moved for the approval of the site plan. This motion was seconded by Councilman Hoyle and carried unanimously.

Councilman Morris was advised that Council would only be approving one unit of the development at this time. It was understood that the developer would resubmit plans as they develop.

RESOLUTION NO. 74-169 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH 43 CIRCLE STREET, 185 PINE STREET AND 127 VALLEY STREET

5. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish 43 Circle Street, 185 Pine Street and 127 Valley Street.

The City Manager read the resolution.

Councilman Horton moved for the adoption of the resolution setting the date for the public hearing for January 2, 1975. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Complete text of Resolution No. 74-169 will be found in Resolution Book No. 8 at page 24.

RESOLUTION NO. 74-170 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA BOARD OF TRANSPORTATION AND HIGHWAY SAFETY FOR THE PURPOSE OF CARRYING OUT TRANSPORTATION PLANNING IN THE ASHEVILLE URBANIZED AREA

6. Consideration was given to a resolution authorizing the Mayor to enter into an agreement with the North Carolina Board of Transportation and Highway Safety for the purpose of carrying out transportation planning in the Asheville Urbanized area.

The City Manager read the resolution.

Verl Emrick, Director of Planning, informed the Council that the funds available through this agreement would amount to approximately $20,000 annually in federal funds. The City's share of the cost would be time and materials contributed by the Planning Staff and other City Staff.

RESOLUTION NO. 74-173 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE EASEMENT AGREEMENT (Mr. Jack Shulman)

11. Consideration was given to a resolution authorizing the Mayor to execute easement agreement with Mr. Jack Shulman.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Morris, Resolution No. 74-173 was unanimously adopted.

Complete text of Resolution No. 74-173 will be found in Resolution Book 8 at page 30.

GROUP DEVELOPMENT - LIVINGSTON STREET COMMUNITY FACILITY

The City Manager presented a letter from the Planning and Zoning Commission recommending approval of a site plan for a proposed Livingston Street Community Facility.

Councilman Morris moved to set a public hearing on the matter for January 2, 1975. This motion was seconded by Councilman Horton and carried unanimously.

REZONING - PAUL LOCKHART - WARD 5, SHEET 12, LOT 307 - HAYWOOD ROAD AND VIRGINIA AVE.

The City Manager presented a letter from the Planning and Zoning Commission recommending approval of a rezoning request from Mr. Paul Lockhart for Ward 5, Sheet 12, Lot 307 at the corner of Haywood Road and Virginia Avenue.

Councilman Morris moved to set a public hearing on the matter for January 2, 1975. This motion was seconded by Councilman Horton and carried unanimously.

REZONING - MR. GEORGE K. STEWART, MS. MAMIE PRESLEY, AND MR. WILLIAM W. SMITH WARD 9, SHEET 7, LOTS 32, 33, 34, 35, 36, 37, AND 38(LOCATED ON MERRIMON AVENUE, EDGEWOOD ROAD, AND LONG STREET)

The City Manager presented a letter from the Planning and Zoning Commission recommending denial of a rezoning request of Mr. George K. Stewart, Ms. Mamie Presley, and Mr. William W. Smith for property on Merrimon Avenue, Edgewood Road, and Long Street.

It was suggested that the request be deferred until next week's meeting, until the petitioners were notified of the denial,giving them an opportunity to request a public hearing.

REZONING - RESIDENTS OF NEW HAW CREEK ROAD AND OLD HAW CREEK ROAD

The City Manager presented a letter from the Planning and Zoning Commission recommending denial of a rezoning request of residents of New Haw Creek Road and Old Haw Creek Road.

It was suggested that the request be deferred until next week's meeting until the petitioners were notified of the denial, giving them an opportunity to request a public hearing .

Ken Michalove, Assistant City Manager, explained that this was a form resolution required by the Department of Housing and Urban Development in order that the City Council clearly understand the effect that using the Model Cities Transition funding would have on the City's Community Development Block Grant. The effect being that the Block grant would be reduced by $459,000 which is to be used for the Montford Recreation Center Complex.

Upon motion of Councilman Morris, seconded by Councilman Horton, Resolution No. 74-172 was unanimously adopted.

Complete text of Resolution NO. 74-172 will be found in Resolution Book No. 8 at page 29.

BIDS - PARK SHELTER FOR WEAVER PARK

9. Consideration was given to bids received November 29, 1974 for a park shelter for Weaver Park.

The City Manager read a memorandum from the Purchasing Agent which stated that two bids were received from Koppers Company Divisions for the same amount, from Atlanta, Georgia and Morrisville, North Carolina. It was recommended that Koppers Company, Inc., Atlanta, Georgia be accepted on basis of best delivery.

Ray Kisiah, Director of Parks and Recreation, explained that this would be an open shelter.

Councilman Colton moved to accept the recommendation of the Purchasing Agent and award the contract to Koppers Company, Inc., Atlanta, Georgia in the amount of $5,250.00. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

BIDS - DECORATIVE FOUNTAIN KIT COMPLETE FOR PRITCHARD PARK

10. Consideration was given to bids received November 29, 1974 for a pre-engineered decorative fountain kit complete for Pritchard Park.

The City Manager read a memorandum from the Purchasing Agent which recommended the low bid, in the amount of $6,996.31, submitted by Westinghouse Electric Supply Company.

Ray Kisiah, Director of Parks and Recreation, answered general questions from Council.

Councilman Horton moved to accept the recommendation of the Purchasing Agent and award the contract to Westinghouse Electric Supply Company, in the amount of $6,996.31. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

Bidder	Bid
Graybar Electric Co.	$7,194.09
General Electric Co.	No Bid
Westinghouse Electric Supply	$6,996.31
Electric Supply Co.	No Bid

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of the December 5, 1974 meeting.

Councilman Horton noted that a correction should be made in the minutes relative to a motion being omitted on the approval of the site plan for a warehouse facility to be located on Crayton Road.

This correction was noted and upon motion of Councilman Horton, seconded by Councilman Hoyle the minutes were approved as amended.

ORDINANCE NO. 827 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Property on East Chestnut Street)

2. Consideration was given to a second reading of Ordinance No. 827, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Property on East Chestnut Street).

Mayor Wood stated that members of Council had previously been furnished with copies of the ordinance and that it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 827 passed on its second reading.

RESOLUTION NO. 74-174 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE CROSSING AND EXTENDING ALONG U. S. 70 (TUNNEL ROAD).

3. Consideration was given to a resolution authorizing Mayor to execute right of way encroachment agreement with the North Carolina State Board of Transportation for water line crossing and extending along U. S. 70. (Tunnel Road)

The City Manager read the resolution and explained that this encroachment agreement provides for an 8-inch water line to go under U. S. 70 providing fire protection to Lynnstone Court, at an increased pressure. He said the request was relayed to the Water Department by the Fire Department and was being done as part of the Capital Program.

BREVARD ROAD - ALLEY - REPORT OF CITY MANAGER

The City Manager reported that he had checked into a complaint from Mrs. Summey relative to an alley off of Brevard Road. He said Mr. Bostic, Street Superintendent, had worked out a solution to the problem satisfactory to the complaintant and this work was on his schedule.

PROCLAMATION - DECEMBER 6 - 7, 1974 - ASHEVILLE CLASSICS DAYS

Vice-Mayor Marshall proclaimed December 6 and 7 as Asheville Classics Days. He said this pertains to the support of the Asheville Classics Basketball.

Councilman Ochsenreiter requested support from the newspapers and encouraged support for this program

MRS. ORLENE SIMMONS - INVITATION - CHRISTMAS SING

Mrs. Orlene Simmons, Montford Hills Community Club, issued an invitation to members of Council and their families to attend an old fashioned Christmas sing at the Montford Park on Sunday, December 15th at 3:00 o'clock p. m.

VIRGIL STURGILL - REQUEST NO SMOKING AT THE CIVIC CENTER

Mr. Virgil Sturgill spoke in opposition to smoking in the New Asheville Civic Center.

Adjournment.

Richard D. Wood, Jr.
MAYOR

Miriam P. Holcomb
CITY CLERK

Logan Delany, Executive Director of Model Cities, explained that Council had previously allocated funds in the amount of $50,054 for a Consolidated Health Project to be used only as a local match for an Appalachia Grant for the program. It was determined that an Appalachia Grant for support of community health care services had not developed and therefore the Commission had recommended the reallocation of these funds. It was recommended, he said, that $25,000 be allocated for the Scholarship Assistance Program; that $6,473.00 be allocated for continuing existing staff positions; and that $5,000 be allocated for the Hillcrest Drill Team-Recreation Program.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Horton, Resolution No. 74-176 was unanimously adopted.

Complete text of Resolution No. 74-176 will be found in Resolution Book No. 8 at page 33.

Mayor Wood recognized Mr. Bill Reid and the Hillcrest Drill team who were in attendance at the meeting.

RESOLUTION NO. 74-177 - RESOLUTION AUTHORIZING EXECUTION OF SOUTH BUNCOMBE WATER IMPROVEMENT AGREEMENT

6. Consideration was given to a resolution authorizing execution of South Buncombe Water Improvement Agreement.

The City Manager read the resolution.

William C. Moore, Corporation Counsel advised that he had conferred with representatives of the Avery's Creek Sanitary District and the Buncombe County Commissioners relative to the agreement referred to in the resolution and that it was satisfactory to all parties concerned.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Morris, Resolution No. 74-177 was unanimously adopted.

Complete text of Resolution No. 74-177 will be found in Resolution Book No. 8 at page 35.

RESOLUTION NO. 74-178 - RESOLUTION APPOINTING MEMBERS TO THE BOARD OF DIRECTORS OF THE ASHEVILLE-BUNCOMBE COMMUNITY RELATIONS COUNCIL

7. Consideration was given to a resolution appointing Gene E. Rainey and William E. Stroup as members of the Board of Directors of the Asheville-Buncombe Community Relations Council.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, Resolution No. 74-178 was unanimously adopted.

Complete text of Resolution No. 74-178 will be found in Resolution Book No. 8 at page 36.

Upon motion of Councilman Colton, seconded by Vice-Mayor Marshall, Resolution No. 74-174 was unanimously adopted.

Complete text of Resolution No. 74-174 will be found in Resolution Book No. 8 at page 30.

RESOLUTION NO. 74-175 - RESOLUTION ESTABLISHING A STANDARD FIRE CONTRACT RATE

4. Consideration was given to a resolution establishing a standard fire contract rate.

The City Manager read the resolution.

Larry Fisher, Director of Finance, explained that the method of arriving at the proposed rate was to compute what portion of the City's ad valorem tax rate was necessary to support the Fire Department. He said that figure, 26.26 cents per $100 evaluation, was adjusted to 20 cents to account for revenues the department receives from non-property tax sources.

Chief Ball explained that under these contracts the Fire Department would respond to any fire on their premises as if they were located inside the City and the industries would be included on the City's alarm system.

It was explained that this resolution only established a contract rate and that individual contracts would be executed separately by Council.

Mayor Wood suggested that the first paragraph of the resolution be clarified by stating that the rate would be 20 cents per $100 of real and personal property valuation.

Councilman Morris moved to adopt Resolution No. 74-175 with the addition of Mayor Wood's suggestion that the first paragraph be amended by adding the words "real and personal" property valuation. This motion was seconded by Councilman Colton and carried unanimously.

Complete text of Resolution No. 74-175 will be found in Resolution Book No. 8 at page 31.

RESOLUTION NO. 74-176 - RESOLUTION REALLOCATING CITY COUNCIL APPROVED 1974-75 MODEL CITIES BUDGET FUNDS IN SUPPORT OF CURRENTLY FUNDED MODEL CITIES PROJECTS

5. Consideration was given to a resolution reallocating City Council approved 1974-75 Model Cities Budget funds in support of currently funded Model Cities Projects.

The City Manager read the resolution.

GOLF TOURNAMENT DEADLINE

Mayor Wood suggested that Mr. Kisiah, Director of Parks and Recreation, notify all organizations who held golf tournaments during the past year, that the deadline date for making applications for the coming year was December 31, 1974.

PUBLIC HEARING - ZONING ORDINANCE

The public hearing concerning the adoption of a new zoning ordinance for the City of Asheville continued.

Mr. Harold Bennett, representing Perry Alexander who owns approximately 185 acres in Chunns Cove presented Council with several suggested amendments relative to the uses permitted in R-2 Residential. He said this property is well suited for public facilities, rental houses, rental apartments, and resort and sports facilities.

He also suggested that the old Oteen Hospital property, proposed to be zoned Office Institutional, be zoned to a light indistrial type zone. He said the proposed zone would make some of the uses now being carried on at this location non-conforming.

Verl Emrick, Director of Planning, told Council that in his opinion the suggested amendments would create "spot zoning".

Mayor Wood instructed Mr. Emrick to confer with the Corporation Counsel on the question of spot zoning and to look into the feasibility of creating an industrial and a light industrial zone.

Councilman Ochsenreiter moved to continue the public hearing until December 19, 1974 and to publish a notice to the public that the continued public hearing would be concluded and read on the first reading on January 9, 1975. This motion was seconded by Councilman Colton and carried unanimously.

PUBLIC HEARING - REZONING OF OLD HAW CREEK AND NEW HAW CREEK ROAD
MOTION AMENDED TO HOLD HEARING JANUARY 2, 1975

Councilman Colton amended his motion relative to the public hearing for rezoning of property on Old Haw Creek Road and New Haw Creek Road to hold the public hearing on January 2, 1975 instead of January 9, 1975. This amendment was accepted by Vice-Mayor Marshall and carried unanimously.

Adjournment.

Richard A. Wood Jr.
MAYOR

Marian D. Pelley
CITY CLERK

REZONING REQUEST - MR. GEORGE K. STEWART, MS. MAMIE PRESLEY, AND MR. WILLIAM W. SMITH - WARD 9, SHEET 7, LOTS 32, 33, 34, 35, 36, 37, AND 38 (LOCATED ON MERRIMON AVENUE, EDGEWOOD ROAD, AND LONG STREET)

The City Manager presented a letter from the Planning and Zoning Commission recommending denial of a rezoning request of Mr. George K. Stewart, Ms. Mamie Presley, and Mr. William W. Smith for property on Merrimon Avenue, Edgewood Road, and Long Street. He said the property owners had been notified of the recommendation and had indicated that they did not wish to request a public hearing.

In the absence of a request for a public hearing, Mayor Wood declared the request denied.

REZONING - RESIDENTS OF NEW HAW CREEK ROAD AND OLD HAW CREEK ROAD

The City Manager presented a letter from the Planning and Zoning Commission recommending denial of a rezoning request of residents of New Haw Creek Road and Old Haw Creek Road. He also presented a letter received from Mr. Shelby Horton, representing the residents, requested that a date be set for a public hearing on the rezoning request.

Councilman Colton moved to set a public hearing on the matter for January 9, 1975 with the legal advertisement to be at the petitioners expense. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

PATRICK E. INGLE - NOTICE OF APPEAL

The City Manager presented a notice received from Robert S. Swain, attorney for Patrick E. Ingle, stating that on the 16th day of December, 1974, he would institute an action in the Superior Court Division of the General Court of Justice of Buncombe County, on behalf of his client, for the purpose of re-instating Mr. Ingle to his position of Patrolman with the Asheville Police Department.

Mayor Wood referred the notice to the City Attorney.

CLAIM - GEORGE MOOREFIELD

The City Manager presented a claim received from George W. Moore, attorney for George Moorefield, for losses suffered as a direct result of the City of Asheville's policy which excluded wrestling matches by anyone other than Crockett Promotions, Inc. The total amount of the claim was $3,238.00.

Corporation Counsel William C. Moore recommended that Council deny the claim.

Councilman Horton moved to accept the recommendation of the Corporation Counsel to deny the claim of George W. Moorefield. This motion was seconded by Councilman Hoyle and carried unanimously.

Mr. Jim Gray, Editor for Labor-Advacote Newspaper, asked Council to review the bids and to use union labor. He asked that Council award the contract on the basis that the firm is a local firm; second if it is from the Western North Carolina Area and last if it is out of the state. He said if the contract is awarded outside the area, much of their labor would be imported from outside our area, which resulted in money lost from the local economy and higher local unemployment.

Mr. William D. Foxx, president of the Asheville Building and Construction Trades Council, also urged Council to use local labor for construction of the parking garage. He told Council that he would be in attendance at the Council meeting on January 2, 1975 when the contract was awarded.

RESOLUTION NO. 74-179 - RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO CONSTRUCT THE MONTFORD RECREATION CENTER COMPLEX

4. Consideration was given to a resolution authorizing the Director of Parks and Recreation to construct the Montford Recreation Center Complex.

Mr. Michalove explained that this resolution would authorize Mr. Ray Kisiah, Director of Parks and Recreation, to take the necessary steps to begin development and construction of the center.

Councilman Morris moved for the adoption of the resolution. This motion was seconded by Councilman Ochsenreiter.

Rev. Wesley Grant, who had appeared before Council on numerous occasions advocating the construction of single family homes to replace those being demolished in the East Riverside Redevelopment area, questioned the use of Model Cities funds referred to in the resolution to be used for recreation, and suggested that these funds could be better used for the construction of houses.

A summary of the comments made by Logan Delany, Director of Model Cities, Mayor Wood, Councilman Morris and Councilman Ochsenreiter were that a housing program had been considered and a study had been made. However, because: 1) the Model Cities program was cut short of the original five years, 2) so many other needs like health care, child care, and employment were priority items, 3) the Model Cities program was required by federal law to program funds comprehensively and not just to a single need like housing; 4) large amounts of federal funds for housing were not readily available, 5) the construction market had declined and builders were not building; and 6) building costs for low and moderate income housing had increased considerably.

It was also indicated that although the City could not construct new houses with anticipated Community Development funds perhaps something could be done to encourage home building and housing rehabilitation with Community Development funds.

Resolution No. 74-179 carried unanimously.

Complete text of Resolution No. 74-179 will be found in Resolution Book No. 8 at page 37.

Thursday, December 19, 1974 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Acting Corporation Counsel Robert J. Robinson, substituting for William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Corporation Counsel William C. Moore

1. Approval of the minutes of December 12, 1974 meeting.

Upon motion of Councilman Hoyle, seconded by Councilman Colton, the minutes of the December 12, 1974 meeting were approved as submitted.

ORDINANCE NO. 827 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Property on East Chestnut Street)

2. Consideration was given to the third reading of Ordinance No. 827, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended.

Mayor Wood explained that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 827 passed on its third and final reading.

PRESENTATION OF PARKING GARAGE BIDS

3. Mr. George Auld, of Wilbur Smith and Associates presented certified tabulations of bids received on December 17, 1974 for the new Parking Garage. He said the bids consisted of a base bid which would allow for 413 parking spaces; Alternate #1 would add two levels and 160 additional spaces; Alternate #2 would add 85 additional spaces and Alternate #3 would allow for a shorter construction time period. He said the low bidder would be determined after Council selected the alternate. He said it appeared that the low bids were: Base Bid - $1,509,757; Alternate #1 - $1,935,488; Alternate #2 - $1,795,377; Alternate #3 - $2,241,000.

Upon inquiry of Mayor Wood, Mr. Auld stated that the apparent low bidders had presented financial statements and his company had also made contact with present construction jobs of each contractor. He told Council that the base bid construction time was 365 days and Alternate No. 3 allowed for a 240 day construction period and that the contract included a liquidated damage clause for $300 per day for delays.

Mr. Auld informed Council that final recommendations would be made at the January 2, 1975 meeting.

Complete text of Resolution 74-182 will be found in Resolution Book No. 8 at page 40.

BIDS - SEWER CLEANING MACHINE

8. Consideration was given to bids received November 18, 1974 for one (1) high velocity sewer cleaning machine for the Water and Sewer Department.

The City Manager read a memorandum from the Purchasing Agent which stated that the bid request called for a base bid for equipment with stainless steel water tanks, and for an alternate bid using hot rolled steel plate tanks lined with epoxy to prevent rust. He also stated that the low alternate bid submitted by H & H Equipment Company failed to meet the specifications in two particulars. One:Discharged Pressure is approximately 10% under specifications; and Two: the tank, while meeting specifications as to material and size, is lined with bitumastic coating rather than the epoxy specified. Therefore, it was recommended that the second low bid in the amount of $14,320.00 submitted by North Carolina Equipment Company be accepted.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the contract to North Carolina Equipment Company in the amount of $14,320. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Bid Summary

Bidder	Base Bid One High Velocity Sewer Cleaning Machine with Stainless Steel Tanks	Alternate #1 Same- except Hot Rolled Steel Tank with Epoxy Coating
North Carolina Equipment Co.	$16,320.00	$14,320.00
Carolina Equipment Company	16,500.00	14,950.00
H & H Equipment Company	No Bid	13,038.72

BIDS - ESTIMATED TWELVE (12) MONTHS REQUIREMENTS FOR WATER METERS

9. Consideration was given to bids received December 9, 1974 for an estimated twelve (12) months requirements for water meters.

The City Manager read a memorandum from the Purchasing Agent which recommended that Items 3, and 5 through 9 be awarded to the low bidder in each instance and since there are no specific quantities for these items orders will be placed as needed. It was also recommended that Items 1, 2, and 4 be awarded to the second low bidders. He said there is no specific quantity for item 4 and recommendation for award to the second low bidder is based on standardization of existing equipment. Items 1 and 2 were recommended for award to the second low bidder due to the difference in price for the vast majority of the meters to be purchased being only 6¢ per unit. If the low bid was accepted the City would be introducing an entirely new brand of meters into the system which would require the stocking of parts estimated to cost more than the entire annual savings for the first 10 years. It was the Director of Water and Sewer's opinion that it would be in the best interest of the City to maintain a standardization of water meters.

Councilman Horton expressed his appreciation to Rev. Grant for bringing the subject of housing to the Council's attention. He said he felt that Council had an obligation in this area and hoped that they would pursue this problem further in the coming year.

RESOLUTION NO. 74-180 - RESOLUTION TRANSFERRING $1,434.25 IN MODEL CITIES FIRST ACTION YEAR FUNDS BUDGETED FOR THE HERRING STREET NEIGHBORHOOD FACILITY SITE TO THE MODEL CITIES LIVINGSTON STREET NEIGHBORHOOD FACILITY SITE ACCOUNT

5. Consideration was given to a resolution transferring $1,434.25 in Model Cities First Action Year funds budgeted for the Herring Street Neighborhood Facility site to the Model Cities Livingston Street Neighborhood Facility site account.

The City Manager read the resolution.

Logan Delany, Model Cities Director, explained that this transfer was necessary to close this account in the Model Cities First Action Year and to provide additional funds for the Livingston Street Neighborhood Facility.

Upon motion of Councilman Colton, seconded by Vice-Mayor Marshall, Resolution No. 74-180 was unanimously adopted.

Complete text of Resolution No. 74-180 will be found in Resolution Book 8 at page 38.

RESOLUTION NO. 74-181 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO SIGN AN OPTION TO SELL THE VACANT PROPERTY ON FAGG STREET TO THE ASHEVILLE HOUSING AUTHORITY

6. Consideration was given to a resolution authorizing the Mayor of the City of Asheville to sign an option to sell the vacant property on Fagg Street to the Asheville Housing Authority.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 74-181 was unanimously adopted.

Complete text of Resolution No. 74-181 will be found in Resolution Book No. 8 at page 39.

RESOLUTION NO. 74-182 - RESOLUTION AUTHORIZING FILING OF AMENDATORY APPLICATION FOR LOAN AND GRANT ON CIVIC REDEVELOPMENT PROJECT

7. Consideration was given to a resolution authorizing filing of amendatory application for loan and grant on Civic Redevelopment Project.

The City Manager read the resolution.

Mr. Will King, Director of the Housing Authority, explained that $100,000 in federal funds were available to the City of Asheville for the Civic Redevelopment Project and these funds could be matched by in-kind and cash contributions already committed. Mr. King also stated that federal funds remaining after the project was closed out would stay with the City and could be spent as Revenue Sharing funds.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Horton, Resolution No. 74-182 was unanimously adopted.

Mr. Kisiah, Director of Parks and Recreation, answered general questions of Council relative to the type and use of the building.

Councilman Ochsenreiter moved to accept the recommendation of the Purchasing Agent and award the contract to Innovative Constructors in the amount of $23,933.00. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Bid Summary

Pre-Engineered Metal Structure for Municipal Golf Course

Bidder	Bid
Buncombe Construction Company	$25,997.00
Innovative Constructors	23,933.00
Ruckman Brothers	23,977.00
Price-Ray Constructors	25,359.00

BIDS - ALUMINUM SEATS FOR MEMORIAL STADIUM

11. Consideration was given to bids received December 16, 1974 for aluminum seats for Memorial Stadium.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Kane & Associates, Charlotte, North Carolina in the amount of $4,895.00.

Councilman Horton moved to accept the recommendation of the Purchasing Agent and award the contract to Kane & Associates in the amount of $4,895.00. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Bid Summary
Aluminum Seats for Memorial Stadium

Bidder	Bid
Stadiums Unlimited, Inc.	$6,429.00
Mark Kane and Associates	4,895.00

BIDS - ONE HUNDRED- ONE HOUR PARKING METERS

12. Consideration was given to bids received December 16, 1974 for one hundred -one-hour parking meters less trade-in of old meters.

The City Manager read a memorandum from the Purchasing Agent which recommended acceptance of the only bid received from Rockwell International Corporation in the amount of $5,787.00.

Councilman Colton moved to accept the recommendation of the Purchasing Agent and award the contract to Rockwell International Corporation in the amount of $5,787.00. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bids as follows:

Item No.	Low Bidder	Unit Price
3	Rockwell International	$140.42
5	Hersey Productions, Inc.	449.50
6	Rockwell International	665.00
7	Hersey Productions, Inc.	1,019.00
8	Rockwell International	2,010.00
9	Badger Meter Company	2,037.00

Item No.	Second Low Bidder	Unit Price
1	Neptune Water Meter Co.	$ 28.80
2	Neptune Water Meter Co.	63.36
4	Rockwell International	189.62

This motion was seconded by Councilman Colton and carried unanimously.

Bid Summary

Estimated Twelve Months Requirement for Water Meters

	Size	Quantity	Rockwell International Unit Price	Rockwell International Total	Badger Meter Co. Unit Price	Badger Meter Co. Total
Item #1	5/8"	600	30.09	$18,054.00	33.37	$20,022.00
Item #2	1"	50	69.52	3,476.00	73.42	3,671.00
Item #3	1-1/2"	10	140.42	1,404.20	155.00	1,550.00
Item #4	2"	no specific qty.	189.62		230.00	
Item #5	2"	no specific qty.	495.00		497.00	
Item #6	3"	no specific qty.	665.00		709.25	
Item #7	4"	no specific qty.	1,054.00		1,053.80	
Item #8	6"	no specific qty.	2,010.00		2,107.34	
Item #9	8"	no specific qty.	3,370.00		2,037.00	

	Size	Quantity	Hersey Productions Unit Price	Hersey Productions Total	Neptune Water Meter Unit Price	Neptune Water Meter Total
Item #1	5/8"	600	28.76	$17,156.00	28.80	$17,280.00
Item #2	1"	50	62.90	3,145.00	63.36	3,168.00
Item #3	1-1/2"	10	145.60	1,456.00	147.79	1,477.90
Item #4	2"	no specific qty.	189.00		207.08	
Item #5	2"	no specific qty.	449.50		No Bid	
Item #6	3"	no specific qty.	666.00		919.98	
Item #7	4"	no specific qty.	1,019.00		1,241.32	
Item #8	6"	no specific qty.	2,295.00		2,456.17	
Item #9	8"	no specific qty.	No Bid		No Bid	

BIDS - METAL STRUCTURE FOR MUNICIPAL GOLF COURSE

10. Consideration was given to bids received December 16, 1974 for a pre-engineered metal structure for the Golf Course.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bidder, Innovative Constructors in the amount of $23,933.00.

and to continue the hearing to five (5) other locations, which will be announced and published at a later date. He said his staff would conduct these hearings and that a final report would be made to Council after completion of the hearings.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Colton, Resolution No. 74-184 was unanimously adopted.

Complete text of Resolution No. 74-184 will be found in Resolution Book No. 8 at page 42.

RIGHT TURN ON RED LIGHTS - DISCUSSION

The City Manager reported that the State law which permits right turns on red on streets other than those designated by the City expires on December 31, 1974.

Corporation Counsel Robert J. Robinson informed Council that he had been advised by a member of the legislature that this matter will be one of the first to be taken up when they meet on January 17, 1975 and it was his opinion that the legislature would pass a statute which would allow a right turn on red. Therefore, Mr. Robinson, suggested that Council not pursue the passage of an ordinance which would conflict with a State Statute.

The City Manager advised Council that in view of the fact that the legislature plans to pass a statute allowing right turns on red and after discussion with the Chief of Police that the policy of the City of Asheville would be not to enforce the regulations unless it involved an accident at an intersection where caution was not taken in turning right on a red light.

NATIONAL GUARD ARMORY PROPERTY - BREVARD ROAD - CITY MANAGER'S REPORT

The City Manager reported that the North Carolina National Guard was again requesting the City to assist them in acquiring a piece of property on Brevard Road, which is adjacent to the National Guard Armory, so they can proceed with their expansion program. He said the property belonging to a Mr. Homer Smith had a flaw in the title and could not be transferred legally without condemnation on the part of the City. He said the National Guard would deed their property on Hunt Hill Place in exchange for the Brevard Road property. He said that immediate action was necessary since the National Guard was facing a funding deadline by December 31, 1974. He requested Council to authorize him to write the National Guard a letter of intent to be delivered before this date.

Councilman Morris moved to authorize the City Manager to write the National Guard a letter of intent on the above mentioned matter. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

ON-STREET PARKING - FREE ON SATURDAYS - REPORT OF CITY MANAGER

The City Manager reported that the policy of allowing free on-street parking on Saturdays in the Central Business District expires on December 31, 1974. He said it is necessary that Council take action on this matter if they wish to continue this practice.

Councilman Horton moved to continue the free on-street parking on Saturdays in the Central Business District until further notice. This motion was seconded by Councilman Colton and carried unanimously.

RESOLUTION NO. 74-183 - RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE TO CLAIM EXEMPTION OF SECTION 7 (k) OF THE FAIR LABOR STANDARDS ACT RELATIVE TO OVERTIME WAGES FOR PUBLIC SAFETY PERSONNEL

13. Consideration was given to a resolution declaring the intention of the City Council of the City of Asheville to claim exemption of Section 7 (k) of the Fair Labor Standards Act relative to overtime wages for public safety personnel.

The City Manager read the resolution.

Mr. Mike Smith, Personnel Director, advised that this resolution would declare that the City of Asheville will take advantage of Section 7 (k) exemptions of the Fair Labor Standards Act of 1938, as amended relative to hours worked by law enforcement and fire protection personnel. Specifically, the resolution will establish a work period of 28 days for the purpose of computing any overtime that employees in these two areas may incur.

Upon motion of Councilman Colton, seconded by Councilman Horton, Resolution No. 74-183 was unanimously adopted.

Complete text of Resolution No. 74-183 will be found in Resolution Book 8 at page 41.

CITY MANAGER'S REPORT - REQUEST FOR FUNDS BY MODEL CITIES COMMISSION FOR COUNCIL TO PROVIDE EMERGENCY RELIEF FUNDS

The City Manager reported that at the meeting of the Model Cities Commission held on December 9, 1974 Reverend John Hawn, expressing concern and the need for emergency assistance to the poor, made a motion for the Executive Director to prepare a resolution to be submitted to City Council at the earliest possible time for $20,000 in revenue sharing funds to be allocated by City Council, authorizing Asheville-Buncombe Community Christian Ministry to distribute such funds where the need was greatest, to the poor people of Asheville. He said Reverend Hawn and others on the Model Cities Commission noted the fact that inflation and the prospects of a severe winter made this request urgent. He said this request would require the preparation of an ordinance amending the budget and he was submitting this information for whatever action Council may wish to take on the matter.

After discussion, Mayor Wood requested that Mr. Michalove, Assistant City Manager, explore the legality of the use of Revenue Sharing funds for this purpose and to keep Council informed as to the efforts other agencies were taking relative to providing emergency assistance.

RESOLUTION NO. 74-184 - RESOLUTION CALLING FOR A PUBLIC HEARING TO OBTAIN THE VIEWS OF CITIZENS ON COMMUNITY DEVELOPMENT AND HOUSING NEEDS

Consideration was given to a resolution calling for a public hearing to obtain the views of citizens on Community Development and Housing needs.

The City Manager read the resolution.

Mr. Michalove, Assistant City Manager, explained that this resolution was a part of the Community Development Block Grant Program. He said the City is required to hold public hearings on what the community feels like should be done in the areas of community improvements. He said plans are to begin the public hearing on January 6, 1974 in the Council Chambers at 7:30 o'clock p. m.

PROCLAMATION - BLOOD DAY - DECEMBER 26, 1974

Mayor Wood proclaimed December 26, 1974 as Blood Day in the City of Asheville.

ZONING ORDINANCE - PUBLIC HEARING - CONTINUED

Councilman Ochsenreiter moved for the public hearing on the new zoning ordinance to be continued until the meeting of January 2, 1975. This motion was seconded by Councilman Colton and carried unanimously.

Mayor Wood announced that there would be no meeting of City Council on December 26, 1974.

Adjournment.

Richard D. Wood
MAYOR

William E. Malone
CITY CLERK

COUNCIL MEMBERS APPOINTED TO COMMITTEE FOR PENSION CONSULTANTS

Mayor Wood appointed Councilmen Horton, Colton and Ochsenreiter to a sub-committee to meet with the pension consultants to discuss the proposal to be submitted by the Pension Consultants. He asked that this committee keep Council advised as to the progress of the consultants.

AMANDA GAINES - DISCUSSION - RE: PROPERTY ON ASHELAND AVENUE - EAST RIVERSIDE URBAN RENEWAL

Reverend Oliver Toms, speaking on behalf of Mrs. Amanda Gaines, told Council that the proposed relocation and extension of Asheland Avenue in the East Riverside Redevelopment area was requiring Mrs. Gaines to lose her home. He asked Council to intervene with the Redevelopment Commission to determine if the new street could not be moved further north toward Phifer Street and save Mrs. Gaines the inconvenience of relocating.

Mr. W. C. King, Director of the Asheville Housing Authority, when asked to comment stated that the house and lot was substandard and that the house and lot next door was substandard and was also being acquired and would be combined with the Gaines lot making a marketable piece of property. If this was not done, the City would have to acquire this substandard lot. He asked that the Building Inspector report on the condition of the Gaines property.

Mr. James O'Kelly, Building Inspector, who inspected the Gaines' property said the property was substandard but that with minor repairs it could be brought up to code standards. He said that by classifying the house substandard did not mean that the house should be condemned. He also reported that the Mackey house next door could also be brought up to standard with a few minor repairs. He listed the electrical wiring as the major deficiencies in both houses.

Mayor Wood suggested that the problem be taken up with the Project Area Committee and then presented to the Asheville Housing Authority. He said that there was sufficient time to follow these procedures.

ASHEVILLE TRANSIT AUTHORITY - REQUEST FOR INCREASE IN RATES

Mayor Wood stated that he had received a letter from Mr. Richard Taylor, Chairman of the Asheville Transit Authortiy, advising that the Authority plans an increase in adult fares for bus service from 30¢ to 40¢ effective February 1, 1975. He said this increase is an attempt to cover the rising costs of operation. He called to Council's attention that with the passage of the recent Federal Mass Transit Act which will make operating subsidy money available, perhaps this would be a possible means of solving the deficit the Transit Authority is operating under. He further stated that there is a possiblity that Community Development funds could subsidize the bus system.

The Mayor said it would be his recommendation that the Transit Authority hold in abeyance any increase in fares for the next few months until Council has some opportunity to see what effect the new Mass Transit Act and Community Development funds will have on the operation of the Transist System.

Councilman Ochsenreiter moved that the Transit Authority be advised not to proceed with the proposed increases until such time as Council and the Transit Authority has an opportunity to observe the effect the new Federal Mass Transit Act and Community Development Funds would have on the Transit operation. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

PUBLIC HEARING - OLD HAW CREEK ROAD AND NEW HAW CREEK ROAD - REZONING

3. A public hearing was held relative to rezoning property on Old Haw Creek Road and New Haw Creek Road from RA-6 Residential to Roadside Business Area.

Mayor Wood opened the public hearing at 3:12 o'clock p. m.

The City Manager read the notice and the affidavit of publication setting the time and date for the hearing.

Verl Emrick, Director of Planning, reviewed the report of the Planning and Zoning Commission which recommended that the petition be denied for the following reasons:

1) Access to the area will be limited to some degree as both New Haw Creek Road and Old Haw Creek Road will be closed west of the property when construction of the Tunnel Connector Freeway reaches this area. Also, the closing of these roads will greatly increase the traffic volume at the intersection of Middlebrook Road and New Haw Creek Road. By allowing businesses uses in the immediate vicinity of this intersection, traffic problems will surely worsen.

2) The rezoning would push the Roadside Business District into an established residential area.

NOTE: With the exception of a possible mobile home sales lot on a portion of the property, usage of the remaining property is not known. Because of the wide range of uses permitted in the Roadside Business Area, it is desirable to know the use of the property to insure protection of the residential area.

3) The rezoning is not in keeping with the proposed development plan for the area.

Mr. Emrick reviewed with Council the location of the property and advised that he had received a letter from Mr. Hutchinson of the Department of Transportation stating that Old Haw Creek Road and New Haw Creek Road will have cul-de-sacs when the Tunnel Connector is constructed and this would limit access to the property.

Mr. Shelby Horton, representing the petitioners, stated that in view of the proposed road construction and due to the many businesses being carried on as non-conforming uses on adjacent property in the area, he strongly felt that the best use for all the property in this area would be business and suggested that even more of the property than his clients was requesting to be rezoned should be zoned to Neighborhood Trading or Business.

Mr. Harry Haynes, a resident in the area and one of the petitioners, spoke in favor of the rezoning.

No one spoke in opposition to the petition.

Councilman Horton asked Mr. Emrick to explain the statement, so often used, in the Planning and Zoning Commission's recommendations that the rezoning was not in keeping with the proposed development plan for the area.

Thursday, January 2, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of the December 19, 1974 meeting.

Councilman Horton noted that the minutes quoted a 365 day construction time period for the Parking Garage and it was his understanding that the base bid construction time was 360 days. This correction was noted.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, the minutes of the December 19, 1974 meeting were approved as corrected.

PUBLIC HEARING - REZONING - HAYWOOD ROAD AND VIRGINIA AVENUE - MR. PAUL LOCKHART

ORDINANCE NO. 828 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. A public hearing was held relative to rezoning property at the corner of Haywood Road and Virginia Avenue from RA-5 Residential to Business for Mr. Paul Lockhart.

Mayor Wood opened the public hearing at 3:04 o'clock p. m.

The City Manager read the notice and affidavit of publication setting the time and date for the public hearing.

Verl Emrick, Director of Planning, reviewed the report of the Planning and Zoning Commission which recommended that the request be approved for the following reasons:

1) The present zoning restricts reasonable use of the property as it is not well suited for residential use.

2) Lots to the north and west are presently zoned for business uses.

No one spoke either in support of or opposition to the petition.

Mayor Wood closed the public hearing at 3:10 o'clock p. m.

The City Manager was requested to read a prepared ordinance which would amend the Zoning Ordinance and rezone the property as petitioned.

Councilman Colton moved for the adoption of the ordinance. This motion was seconded by Councilman Horton.

On a roll call vote of 6-0, Ordinance No. 828 passed on its first reading.

PUBLIC HEARING - DEMOLITION OF 43 CIRCLE STREET, 185 PINE STREET AND 127 VALLEY STREET

ORDINANCE NO. 829 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 43 CIRCLE STREET, 185 PINE STREET AND 127 VALLEY STREET

5. A public hearing was held to consider an ordinance directing the Housing Officer to demolish those dwelling houses known as 43 Circle Street, 185 Pine Street and 127 Valley Street.

Mayor Wood opened the public hearing at 3:56 o'clock p. m.

The City Manager read the notice and affidavit of publication setting the time and date for the hearing.

Mr. J. E. Johnson, Building Inspector, reported that he had inspected the premises as of this date and that no improvements had been done on any of the properties listed. He said that all the properties had been unoccupied for at least a year.

At the Mayor's request, the City Manager read the owners of the three properties in question.

Councilman Colton said that since this is the type of procedure that the League of Municipalities is going to ask the legislature to extend into the non-residential areas, he asked Mr. Johnson to outline the steps as to what safeguards for the landowners are taken.

Mr. Johnson stated that a title search is made; notice of complaint is issued outlining the deficiencies; all parties are notified that a hearing will be held; hearing held before the Building Inspector; Finding of Fact and Order issued which orders the building repaired or demolished; and then an ordinance is presented to Council to have the building demolished.

Mayor Wood closed the public hearing at 4:04 o'clock p. m.

The City Manager read the ordinance ordering the demolition of the three properties in question.

Councilman Colton moved for the adoption of the ordinance. This motion was seconded by Councilman Hoyle.

On a roll call vote of 6-0, Ordinance No. 829 passed on its first reading.

BIDS - PARKING GARAGE

6. Mr. George Auld, Wilbur Smith and Associates, advised Council that he had reviewed and analyzed the bids on the Civic Center Parking Facility and that Wilbur Smith and Associates recommended,in lieu of the established budget allocation, that the base bid be awarded to the respective low bidders and all alternates be rejected. Under this recommendation, he said that the low bidders were:

General Contract - A. J. Kellos Construction Co.	-	$1,367,074
Plumbing - Industrial Maintenance Overflow Corp.	-	49,000
Electrical - M. B. Haynes Electric Corp.	-	103,126

Mr. Emrick pointed out that the statement referred to a proposed development plan adopted by Council and was in keeping with the zoning plan now under consideration by Council.

Councilman Horton stated that he did not think this was a valid reason for denying a rezoning request and that in his opinion each rezoning case should be considered separately.

Mayor Wood closed the public hearing at 3:35 o'clock p. m.

The City Manager read a prepared ordinance which would amend the Zoning Ordinance and rezone the property as requested.

Councilman Horton moved for the adoption of the ordinance.

In the absence of a second, the ordinance failed to carry on the first reading.

Councilman Horton stated that in view of the situation, he hoped there would be no misunderstanding regarding his possible prejudice since the attorney representing the petitioners is very closely related to him. He said he felt that the petitioners had made a legitimate request and since there was no opposition, their request was valid and that the rezoning would have improved the property status in this area. He said that was the reason for supporting the petitioners.

PUBLIC HEARING - SITE PLAN - LIVINGSTON STREET COMMUNITY FACILITY

4. A public hearing was held to consider a site plan of a proposed Livingston Street Community Facility for the City of Asheville Parks and Recreation Department.

Mayor Wood opened the public hearing at 3:38 o'clock p. m.

The City Manager read the notice and affidavit of publication setting the time and date for the hearing.

Verl Emrick, Director of Planning, advised that the Planning and Zoning Commission had recommended to Council that the site plan be approved.

Mr. Jan Weigman, architect for the project, presented a brief preview of the plans for the proposed project and answered general questions from members of Council relative to the floor plan and construction of the building.

Mr. Ray Kisiah, Director of Parks and Recreation, said he did not see a large increase in outside activities but that most emphasis would be put on indoor recreation. He said that it would probably take three or four full time employees and an annual operation budget of approximately $50,000 a year. He said that the total cost of construction including $100,000 paid to the Asheville School Board for the Livingston Street School property, was $610,000. This amount to be funded with $160,000 from the Model Cities Fund; $150,000 from the Asheville Housing Authority and $300,000 under the HUD and Neighborhood Facilities Program.

Mayor Wood closed the public hearing at 3:55 o'clock p. m.

Councilman Ochsenreiter moved to approve the site plan of the Livingston Street Community Facility. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

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Asheville

BUILDING AND CONSTRUCTION TRADES COUNCIL

AFL-CIO

11 South French Broad Avenue

ASHEVILLE, NORTH CAROLINA 28801

Area Code 704 :: Telephones: 253-4610 - 253-3091

2 January, 1975

The Honorable Richard A. Wood, Jr.
Mayor, City of Asheville
Municipal Building
Asheville, North Carolina 28801

Dear Mayor Wood:

This is written to advise you and the other members of the Asheville City Council that the Asheville citizens and taxpayers among the membership of both the Asheville Central Labor Union and the Asheville Building & Construction Trades Council remain strongly opposed to any action which would permit Ranger Construction to avoid payment of the $1,000-per day "penalty" now due the City because of Ranger's failure to perform properly under the terms of their contract for construction of the Asheville Civic Center.

Ranger's performance on this job to date simply has not been such as to merit any such "forgiveness". This company, and their bonding agents, should be held liable for the full amount of penalty payments which may fall due until the job is properly completed. This appears to be the only way that reasonable progress can be adduced towards correction of deficiencies and completion of this project. Any revenue produced from the "penalty" clause will still be grossly inadequate to recompense the community for Ranger's shoddy and dilatory performance on this job. Local citizens will be paying the price for Council's mistake in judgement and failure to properly monitor this construction for years to come.

At the same time, we strongly recommend to Council consideration of the points raised by Labor spokesmen before you at your last meeting. In view of current economic conditions and rising unemployment among area workers, it is more important than ever that preference be given to contractors pledged to paying the going rate and employing local workers on municipal construction. Simple justice demands that jobs generated by local government go to the local taxpayers who help make those jobs possible. It will pay dividends for the entire community, both in added dollars flowing into the local economy from wages paid to local workers, and in higher-quality construction. There is simply no rationale which could support "exporting" jobs on municipal construction in times like these!

As pointed out in today's ADVOCATE/NATIVE STONE, there are strong factors indicating that preference on the pending contract for construction of the new municipal parking garage adjacent to the Civic Center should go to Kellos Construction Company. He is pledged to pay the prevailing wage and recruit his workers from this area. He has a sound reputation as a builder, and good financial credentials. Moreover, he is a former Buncombe resident. He is also low-bidder on the base contract, and second low bidder overall. We suggest that Council consider these points in making its decision.

Don Fox
DON FOX, President, AB&CTC

Ray Stepp
RAY STEPP, Vice President, Asheville CL

He said that this recommendation would accomodate approximately 413 cars for the Parking Facility. However, he said that if Council felt that more spaces were needed and additional funds could be made available it would be his firm's recommendation that the base bid and alternate bid #1 be accepted. He said it would still be their recommendation to award the contract to the low bidders which would be the same as recommended in the first recommendation.

At the request of Mayor Wood, Mr. Auld outlined the base bid and alternates. He said the base bid consisted of six (6) levels providing 413 parking spaces; Alternate # 1 would provide for two (2) additional levels and 160 additional spaces; and Alternate #2 would be an extension along Rankin Street, 6 levels high, and provide 85 additional spaces.

At the request of Councilman Colton, Mr. Auld gave the following bid summary of the low bid combining the base bid and alternate # 1:

General - A. J. Kellos Construction Co.	-	$1,782,000
Plumbing- Industrial Maintenance Overflow	-	48,579
Electrical - M. B. Haynes Electric Corp.	-	134,909

This, he said, would total $1,965,488 and provide 573 parking spaces.

At the request of Mayor Wood, Mr. Auld gave the following bid summary for the base bid and Alternate #1 for the second low bidders:

General - W. J. Megin, Inc.	-	$1,799,000
Plumbing - Moser, Inc.	-	50,730
Electrical - Hayes and Lunsford	-	146,159

Mr. Auld advised Council that Alternate #3 dealt entirely with the time of completion for the facility. He said to complete the project in 240 days instead of 360 days would cost $75,500 and he could find no justification for this expenditure.

When asked about the background of the contractors, Mr. Auld said that they had investigated both A. J. Kellos Construction Company and W. J. Megin, Inc. and found absolutely no evidence that either contractor would not do a perfectly satisfactory job. He said that he had received a letter from the Megin Company which assured him that it was their standard practice to buy locally, to give preference to local suppliers, and that so long as there were qualified workmen or craftsmen they would employ them locally. He said he had received similiar verbal assurances from the A. J. Kellos Contruction Company.

Mr. Jim Grey, Director of a communications consulting firm, said that he had been instructed by two of his clients, who are publishers of the Advocate-Native Stone and the Labor Advocate, to convey to Council their support for the City encouraging the use of local craftsmen and labor in the construction of the parking garage, as well as in the construction of future projects. He said that since all the bidders on the Parking Garage were non-union, his clients favored the A. J. Kellos Construction Company, since Mr. Kellos had pledged to use local labor and pay prevailing rates. He said the Kellos Company had a sound reputation with good financial backing. He appealed to Council to consider awarding the electrical contract to Hayes and Lunsford, second low bidder, since they were union, would employ union labor and were fully capable of performing the work.

Mr. Ray Stepp, of the Central Labor Union, read the following letter to Council:

ORDINANCE NO. 830 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1974-75

The City Manager advised Council that in order to fund the Revenue Sharing Fund portion of the contract just awarded it would be necessary to amend, by ordinance, the operating budget. He asked permission to present the ordinance for Council's consideration which would appropriate $1,244,000 in Revenue Sharing funds for the construction of a parking garage.

Councilman Colton moved to adopt the ordinance which was seconded by Councilman Ochsenreiter.

On a roll call vote of 6-0, Ordinance No. 830 passed on the first reading.

In order to make these funds immediately available, Councilman Morris moved to suspend the rules and proceed to the second reading. This motion was seconded by Councilman Colton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 830 passed on the second reading.

Councilman Morris then moved to suspend the rules and proceed to the third reading. This motion was seconded by Councilman Colton and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 830 passed on the third and final reading.

Complete text of Ordinance No. 830 will be found in Ordinance Book No. 6 at page 137.

ORDINANCE NO. 831 - AN ORDINANCE AMENDING ORDINANCE NO. 681, KNOWN AS "AN ORDINANCE RESTRICTING PARKING ON HAYWOOD ROAD"

Consideration was given to an ordinance amending Ordinance No. 681, known as "AN ORDINANCE RESTRICTING PARKING ON HAYWOOD ROAD".

The City Manager read the ordinance which would amend the present 4:00 - 6:00 o'clock p. m. no parking restriction on Haywood Road by eliminating the section between Burton Street and Baker Avenue.

The City Manager advised Council that some time ago he had received a petition from the West Asheville Business Club requesting the change covered by the ordinance. He said that the petition was forwarded to the Planning Department who in turn passed it on to the State Highway Commission since Haywood Road is under the jurisdication of the State Highway. The City Manager then read a letter from the State Highway Commission in response to the petition, which indicated that their studies made in 1970 showed a definite need for the parking restrictions now in force, and their more recent volume investigation showed that their 1970 recommendation was still valid.

Mr. Andy Harper, West Asheville Merchants Association, spoke in favor of the ordinance citing the lack of parking in the area and the hardship this imposed on the businesses as the reason his association favored the lifting of the restrictions.

At the conclusion of his statement he also appealed to Council to award the electrical contract for the Parking Garage to Hayes and Lunsford Electrical Company.

Councilman Morris took issue with several critical statements regarding the employment of Ranger Construction Company for the construction of the Asheville Civic Center by Council. He pointed out that the present Council was not responsible for the employment of Ranger Construction Company.

Mr. Auld assured Council that since the construction of the Parking Garage would be partially funded with Federal funds the contractor would be subject to the Davis Bacon Act which sets the minimum labor wages.

At Council's request the City Manager made the recommendation that a combination of the Base Bid plus Alterante #1 be accepted. He said that the total amount for this contract would be $2,069,000. He said this could be funded with the use of $825,000 in General Obligation Bonds and $1,244,000 in Revenue Sharing funds, which would be available if Council elected to follow his recommendation.

Councilman Ochsenreiter moved to accept the recommendation of the City Manager and award the contract for the Base Bid plus Alternate #1 to the following:

General Construction - A. J. Kellos Construction Company in the amount of $1,782,000.

Plumbing - Industrial Maintenance Overflow Inc. in the amount of $ 48,579.

Electrical - M. B. Haynes Electrical Co. in the amount of $ 134,909;

for a total amount of $1,965,488. This motion was seconded by Councilman Colton.

Councilman Horton raised the question as the whether there was any frills that might be eliminated by negotiations in order to hold down the total cost. Mr. Auld said that except for some minor extras he knew of now way to substantially reduce the cost.

Mr. Jim Grey again appealed to Council to give consideration to awarding the electrical contract to the second low bidder, Hayes and Lunsford Electrical Company.

Councilman Hoyle then offered an amendment to Councilman Ochsenreiter's motion to substitute Hayes and Lunsford Electric Company for M. B. Haynes Electric Company in the award of the Electrical contract. This motion was seconded by Vice-Mayor Marshall.

On a roll call vote of 4-3, the amendment failed, with Councilmen Ochsenreiter, Colton, Morris and Mayor Wood voting "no" and Vice-Mayor Marshall, Councilmen Hoyle and Horton voting "aye".

On a roll call vote Councilman Ochsenreiter's original motion carried on a 4-2 vote, with Councilmen Ochsenreiter, Colton, Morris and Horton voting "aye" and Vice-Mayor Marshall and Councilman Hoyle voting "no".

Mr. Mort Cohn, WLOS-TV Station, voiced concern that the property of the TV station was proposed to be zoned for single family dwellings.

Mr. Emrick, Director of Planning, informed him that the property was proposed to be zoned Office Institutional which would allow TV studios as a permitted use.

Mr. Perry Alexander presented a letter from the Oteen Investment Properties requesting that the properties around the old Veterans Administration Hospital be zoned Commercial Service District instead of the proposed Office Institutional. He also requested that the language describing permitted uses in a Commercial Service District be amended to include "the manufacture and sale at retail or wholesale those handicrafts which are manufactured predominantly by hand and involve the application of artistic skills". It was also requested that rest, convalescent, and nursing homes, day nurseries, kindergarden, condominiums, apartment units and a restrictive use for light manufacturing be included as conditional uses in the Commercial Service District.

After discussion, the Planning Division recommended that the language to allow the manufacture and sale of handicrafts be accepted. However, due to the incompatibility of existing uses of the property as well as the proposed uses they would recommend that the condititional uses be rejected.

Verl Emrick reported that after consulting with the Corporation Counsel as to whether or not the area owned by Oteen Investment Properties could be rezoned to Commercial Service without creating a spot zone, he said, in their opinion, the entire tract owned by the Federal Government and Oteen Investment Properties would have to be rezoned in order to prevent the creation of spot zoning.

Councilman Morris excused himself from Council to question the allowable uses in the Commercial Highway District, referring to his business on Tunnel Road.

Mr. Emrick informed Councilman Morris that his business was a permitted use in the Commercial Highway District.

Mayor Wood continued the public hearing until January 9, 1975 meeting.

PARKMAN AVENUE - REPORT OF CITY MANAGER

The City Manager reported on a request made by Vice-Mayor Marshall at the December 19, 1974 meeting relative to a house located at 30 Parkman Avenue. He said since that request was made, a petition had been received to have the house demolished for various reasons. He said the house had been under consideration by the Housing Division for a number of years, but due to two heirs and a mortgage being involved it has been a complicated process. He said the Housing Division is now going through the court process to have the house demolished.

Adjournment.

MAYOR

CITY CLERK

Mr. Don Russell, a businessman located in the area, spoke in favor of the ordinance. He stated that this particular area was unique in that there was no off-street parking in the area.

Mr. Luke Atkinson, West Asheville businessman and former City Councilman, spoke in favor of the ordinance. He stated that this restriction was causing a hardship on the businessmen in the area as well as their prospective customers and appealed to Council, that if it was feasible, to give every consideration to passing the ordinance.

Councilman Horton, in commenting on whether the State Highway Commission would object to this change, said that the conversations that he had with State Highway officials led him to believe that they would go along with Council's action.

Vice-Mayor Marshall suggested that perhaps a vacant lot in the area belonging to Mr. J. T. Rice might be converted to an off-street parking lot.

Councilman Colton said that consideration should be given to the possibility that if the City exercised undue control on this State Highway they might end up having it turned back to them for maintenance.

Councilman Horton strongly supported the ordinance stating that the restriction directly affects many of the West Asheville businesses and he felt there was no reason for Council to hesitate in changing the restriction. He said a survey had been made in this area at 15 minute intervals for one week for cars traveling from Hanover west which indicated that 80.75% of the vehicles used the middle traffic lane and only 19.4% used the outside lane and that at no time during the survey did traffic use dual lanes which also indicated that there is no need for two lanes of traffic in this area. He pointed out that as a possible compromise they might consider installing 1 hour parking in this area if Council did not see fit to lift the restriction entirely.

Councilman Horton moved for the adoption of the ordinance. This motion was seconded by Councilman Morris.

On a roll call vote of 4-3, Ordinance No. 831 passed on its first reading, with Councilmen Ochsenreiter, Morris, Horton and Mayor Wood voting "aye" and Vice-Mayor Marshall, Councilmen Colton and Hoyle voting "no".

PUBLIC HEARING - ZONING ORDINANCE

Mayor Wood announced that Council would now continue the public hearing relative to the adoption of a new zoning ordinance for the City of Asheville.

Mr. Albert Sneed, representing Summey Advertising Company, voiced concern relative to the sign provisions of the new zoning ordinance stating that they were too restrictive and would put them out of business.

After discussion, the matter was referred to the Corporation Counsel to set up a conference between all parties in order to resolve the issue.

ORDINANCE NO. 831 - AN ORDINANCE AMENDING ORDINANCE NO. 681, KNOWN AS "AN ORDINANCE RESTRICTING PARKING ON HAYWOOD ROAD"

4. Consideration was given to the second reading of Ordinance No. 831, an ordinance amending Ordinance No. 681, known as "AN ORDINANCE RESTRICTING PARKING ON HAYWOOD ROAD".

Mayor Wood advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Don Russell, West Asheville businessman, said that due to a death in the family, Mr. Andy Harper, Vice-President of the West Asheville Business Association was unable to attend the meeting, but that he had requested Mr. Russell to express the association's support for the passage of the ordinance.

Mr. Russell continuted on his own behalf stating that the 4:00 - 6:00 o'clock p. m. parking restriction created a hardship for the businessmen and customers in this area.

Mayor Wood advised Council that he had requested Mr. Dutcher, Traffic Engineer, to make traffic counts on Haywood Road and also, as a comparison, counts were taken on Charlotte Street.

Mr. Dutcher presented traffic flow charts of the areas in question and stated that one hour volumes were taken on Charlotte Street which revealed approximately 480 vehicles at 4:00 p. m.; 612 vehicles at 5:00 p. m.; and less than 300 cars after 6:00 p. m. He said counts taken on Haywood Road for one hour volumes revealed approximately 380 vehicles at 4:00 p. m.; 418 vehicles at 5:00 p.m. and 572 vehicles at 6:00 p. m. He said after these peak hours traffic volume dropped to approximately 220 vehicles. He said the total volume from 4:00 p. m. - 6:00 p. m. on Haywood Road was 1,350 vehicles and 1,700 on Charlotte Street. Mr. Dutcher pointed out that on a free flow traffic lane, with a 20 miles per hour zone, each traffic lane could move between 650 and 750 vehicles per hour.

On a roll call vote of 4-3, Ordinance No. 831 failed on its second reading, with Councilmen Ochsenreiter, Morris, and Horton voting "aye" and Mayor Wood, Vice-Mayor Marshall, Councilmen Colton and Hoyle voting "no".

Mayor Wood pointed out that he had voted "aye" on the first reading of the ordinance in order to have more time to look into the matter. However, due to comparable traffic counts he felt there was a definite benefit to have two lanes available.

Councilman Horton asked Mr. Dutcher if a different type of sign could be erected that would indicate parking is allowed except from 4:00 p. m. to 6:00 p. m.

Mr. Dutcher informed Councilman Horton that this could be done.

BIDS - ONE STATION WAGON, ONE PICK-UP TRUCK AND ELEVEN AUTOMOBILES FOR THE POLICE DEPARTMENT

5. Consideration was given to bids received January 3, 1975 for one (1) station wagon, one (1) pick up truck, and eleven (11) automobiles for the Police Department.

Thursday, January 9, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of January 2, 1975 meeting.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, the minutes of the January 2, 1975 meeting were approved as submitted.

ORDINANCE NO. 828 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Property on the corner of Haywood Road and Virginia Avenue)

2. Consideration was given to the second reading of Ordinance No. 828, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Property on the corner of Haywood Road and Virginia Avenue)

Mayor Wood advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 828 passed on its second reading.

ORDINANCE NO. 829 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 43 CIRCLE STREET, 185 PINE STREET, AND 127 VALLEY STREET

3. Consideration was given to the second reading of Ordinance No. 829, an ordinance directing the Housing Officer to demolish those dwelling houses known as 43 Circle Street, 185 Pine Street and 127 Valley Street.

Mayor Wood advised that members of Council had previously been furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Mayor Wood did read that section of the ordinance designating the locations and owners of the properties to be demolished.

On a roll call vote of 6-0, Ordinance No. 829 passed on its second reading.

In view of the deplorable condition of the houses, Councilman Morris moved to suspend the rules and proceed to a third and final reading. This motion was seconded by Councilman Ochsenreiter.

Councilman Colton objected, saying he believed more deliberation should be given the matter of taking a citizen's property.

On a roll call vote of 3-3 the motion failed, lacking a required 2/3 vote for suspension of the rules.

the Board of Directors of the TVA with a notation that it passed unanimously.

PUBLIC HEARING - ZONING ORDINANCE

Mayor Wood opened the public hearing at 3:47 o'clock p. m.

The City Manager read the notice to the public and affidavit of publication setting the time and date for the continuance of this public hearing.

Mr. Albert Sneed, representing Summey Sign Company, stated that he had met with Mr. Emrick, Director of Planning and Mr. Moore, Corporation Counsel, as suggested by Council, and had worked out some changes but there were other changes that he wished to propose.

Mr. Emrick presented the agreed upon changes which pertained to height restrictions on signs and size limitations from advertising and principal use indentification signs. It also involved the establishing of setbacks and spacing between advertising signs. He said these changes would be incorporated into the ordinance on pages 24 and 25B.

Mr. Sneed's proposed amendments along with Council's action on each are as follows:

1. Deletion of the following sentence from Section 30-3-14, paragraph C (2) on page 25(A).

"In any case, however, the combined total area of all signs on a premise shall not exceed one (1) square foot of sign area per linear foot of lot frontage."

1A. The sentence shall only apply to principal use indentification signs.

After discussion, it was the consensus of Council to have the sentence apply to principal use indentification signs only.

2. Modification of setback stipulations described on page 25A.

The principal difference between the proposed ordinance and the proposed amendment was the point from which the setback would be measured. Mr. Sneed's proposal was to measure from the center line of any street or road, whereas, the proposed ordinance stipulated measuring from the right of way line.

Council took no action on this request.

3. Delete last sentence of subparagraph (C) of Section 30-3-14, paragraph C (3). This sentence stipulates"that no advertising sign shall be erected within 600 ft. of the right of way of any limited access highway, until a permit is submitted and approved by the City Council and the North Carolina Board of Transportation."

Council took no action on this request due to stipulations in Ordinance No. 644, which requires Council's approval for signs within 200 ft. of the right of way of limited access highways.

The City Manager, in presenting the bids, read a memorandum from the Purchasing Agent, which recommended the following:

Items 1, 3, and 4 be awarded to low bidder, Matthews Motors, Inc.

Item 1 - One (1) station wagon - $4,323.26 (No trade-in)

Item 3 - One (1) Pick-Up Truck - $3,318.14 (Net amount after trade-in)

Item 4 - Ten (10) Police Type Automobiles - $33,058.40 (Net amount after 10 trade-ins)

The Purchasing Agent recommended that Item 2, One (1) 4-Door Compact Car, be awarded to the second low bidder, Dorato Motors, Inc. in the amount of $3,389.69, as the low bid submitted by Ed Orr Motors, Inc. in the amount of $3,364.00. (difference $25.96) did not meet specifications with regard to wheel base size.

The City Manager explained that the bids exceeded the budget by $5,316.50 and if Council approved the bids he would present an ordinance amending the budget to off-set the deficit.

Mr. Phipps, Purchasing Agent, answered general questions of Council relative to the specifications of the police cars.

Councilman Ochsenreiter pointed out that Ford Motor Company might be contemplating offering factory rebates as now proposed by Chrysler Motor Company and in light of this it might be wise to delay the awarding of the bids.

Vice-Mayor Marshall moved to defer awarding the bids until next week's meeting. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Mayor Wood requested the City Manager to explore the possibility of Ford Motor Company offering factory rebates.

RESOLUTION NO. 75-1 - RESOLUTION RECOMMENDING THAT THE BOARD OF DIRECTORS OF THE TENNESSEE VALLY AUTHORITY PROCEED IN THE CONSTRUCTION AND OPERATION OF A SOLID WASTE RECYCLING FACILITY IN BUNCOMBE COUNTY

Consideration was given to a resolution recommending that the Board of Directors of the Tennessee Valley Authority proceed in the construction and operation of a solid waste recycling facility in Buncombe County.

The City Manager read the resolution.

Mayor Wood commented that it was his understanding that the Board of Directors of the TVA anticipated taking action on this proposal next week and that the County was passing a similar resolution indicating their support of this program of waste recycling. He recommended that Council adopt the resolution.

Upon motion of Councilman Horton, seconded by Councilman Colton, Resolution No. 75-1 was unanimously adopted.

Complete text of Resolution No. 75-1 will be found in Resolution Book No. 8 at page 43.

Mayor Wood requested the City Manager transmit a copy of the resolution to

He informed Council that Councilman Ochsenreiter and several representatives of construction crafts had made a walk through tour of the Civic Center since the last meeting. He said during this tour obvious deficiencies were pointed out. He was also critical that the architect was not making a professional assessment of the building, as well as not taking corrective measures to insure better construction.

Mayor Wood informed him that he was not aware of any particular defects that have in fact, been accepted by the architect.

Mr. Grey told Council that perhaps a report from the architect as to the progress status relative to completion of the job and quality of the work completed was needed in order that remedial action could be taken.

He also added that allegations were made to Council by M. B. Haynes Electric Company, who was awarded the electrical contract for the Parking Garage, at last week's meeting, relative to the statements made regarding the quality and status of Hayes and Lunsford's apprenticeship program. He said these allegations were contrary to official reports from the Department of Labor, Bureau of Apprenticeship and Training. He said allegations were also made relative to statements made about prevailing wages as determined by the U. S. Department of Labor, which would apply to the Davis-Bacon Act.

Vice-Mayor Marshall was excused by Mayor Wood at 6:05 o'clock p. m.

Mr. Don Fox, President of the Asheville Building and Construction Trades Council, spoke in defense of the allegations. He said that there had been some feed-back about their apprenticeship program from the non-union apprentices. He said the statements made at last weeks meeting relative to the program were true and he also compared the union apprenticeship program with the non-union apprenticeship program.

He urged Council to inquire of M. B. Haynes Electric Company as to whether their apprenticehsip program was found in compliance with the review made of their program by the Federal Bureau of Apprenticeship and Training Department. He also asked Council to contact the Office of Federal Bureau of Apprenticeship and Training and the U. S. Department of Labor, Wage and Hour Division when contractors bid on municipal construction jobs. He said these offices could advise them if the contractors were in compliance with the apprenticeship programs and also in compliance with the Davis-Bacon Act.

He said he had obtained the predetermined wage rate set for the Davis-Bacon Act by the U. S. Department of Labor, Employment Standards Administrator, which was in effect for the Asheville area until March 7, 1975 for estimated contracts of $1-$5 million dollars. He said for an example, this requires the contractors to pay sheet metal workers $3.56 per hour and a union contractor pays sheet metal workers $7.13 per hour. He said union contractors must compete with the non-union contractors on these wages.

Upon inquiry, Mr. Fox explained that the predetermined wages for the Davis-Bacon Act was arrived at by compiling union wages and non-union wages and an average taken. However, under this Act fringe benefits are not required.

Mayor Wood requested that the City Manager contact these offices in connection with the next municipal construction project between the time that the bids are accepted and before they are submitted to Council for approval, in regards to compliance with apprenticeship programs and wage rates for the Davis-Bacon Act.

After a lengthy discussion, Mayor Wood suggested that Mr. Emrick and Mr. Moore have another meeting in light of the suggested modifications.

Mr. George Gontero, Lamar Dean Outdoor Advertising, also voiced concerns, similar to Mr. Sneed's, relative to the restriction of the size of advertising signs and setback requirements.

Mr. Perry Alexander, Oteen Investment Properties, requested that the property owned by Oteen Investment Properties and the Veterans Administration be zoned from the proposed Office Institutional to Light Industrial.

In addition, he requested that the uses permitted in the Commercial Service District be modified to reflect the following:

1) The manufacture and sale at retail or wholesale those handicrafts which are manufactured predominantly by hand and involve the application of artistic skills.

2) As Conditional Uses - homes for the aged, convalescant and nursing homes, kindergardens, and nursery schools.

After a lengthy discussion, Council directed that these changes be incorporated into the ordinance.

Mr. Gary Dodd appeared on behalf of Mr. and Mrs. Shuford Hall, again requesting that their Day Care Center property on Hollywood Street be included in a R-2 District.

It was the consensus of Council to take no action on this request.

Verl Emrick, Director of Planning, presented a request to zone property on Mimosa Drive and Sulphur Springs Road from the proposed R-3 to Commercial Highway District.

Mayor Wood suggested that this request be deferred until complete information is furnished to Council at next week's meeting.

At 6:00 o'clock p. m., Vice-Mayor Marshall moved to continue the public hearing until next week, with instructions to the City Clerk to advertise the continuance of the public hearing. This motion was seconded by Councilman Morris and carried unanimously.

ASHEVILLE CIVIC CENTER - PARKING GARAGE - DISCUSSION FROM LABOR REPRESENTATIVES

Jim Grey, Director of a communications consulting firm, said that representatives of organized labor had presented a written communication, at last weeks meeting, voicing concern that Council should hold Ranger Construction Company totally responsible for the $1,000 per day penalty for failing to complete the Civic Center construction job as specified in the contract. He said Council in no manner responded or indicated their willingness to do so.

Thursday, January 16, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward,Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of the minutes of January 9, 1975 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Ochsenreiter, the minutes of the January 9, 1975 meeting were approved as submitted.

ORDINANCE NO. 828 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS " AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Haywood & Virginia Avenue)

2. Consideration was given to the third and final reading of Ordinance No. 828, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Property at the corner of Haywood Road and Virginia Avenue)

Mayor Wood advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 828 passed on its third and final reading.

Complete text of Ordinance No. 828 will be found in Ordinance Book No. 6 at page 135.

ORDINANCE NO. 829 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 43 CIRCLE STREET, 185 PINE STREET, AND 127 VALLEY STREET

3. Consideration was given to the third and final reading of Ordinance No. 829, an ordinance directing the Housing Officer to demolish those dwelling houses known as 43 Circle Street, 185 Pine Street, and 127 Valley Street.

Mayor Wood advised that members of Council had previously been furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so. He did read that section of the ordinance designating the locations and owners of the properties to be demolished.

On a roll call vote of 6-0, Ordinance No. 829 passed on its third and final reading.

Complete text of Ordinance No. 829 will be found in Ordinance Book No. 6 at page 136.

BIDS - ONE (1) STATION WAGON, ONE (1) PICK-UP TRUCK AND ELEVEN (11) AUTOMOBILES FOR THE POLICE DEPARTMENT

4. Consideration was given to bids received January 3, 1975, an item held over from last week's meeting, for one (1) station wagon, one (1) pick-up truck and eleven (11) automobiles for the Police Department

Ray Stepp, of the Central Labor Union, also urged Council to collect the $1,000 per day penalty due from Ranger Construction Company for failing to meet the completion date under their contract.

William C. Moore, Corporation Counsel, advised Mr. Stepp that it is the architect's responsibility to assess the amount of damages and recommend the assessment to Council for their consideration.

Mr. Stepp pointed out that if Ranger Construction Company was unable to pay the penalty, then it would be the responsibility of the bonding company to pay this amount.

He also commented that pictures were taken at the Civic Center showing specific safety violations and that if the OSHA representative made an inspection of the project, an additional penalty would be imposed as well as the job closed down until all violations had been corrected.

Mr. Neal Lipe, Business Agent for Electricians union, read a letter to Council relative to an inspection made by the Federal Government, commending his organization for their outstanding apprenticeship program. He ask Council to inquire as to M. B. Haynes Electrical Company's compliance with this same program. He said it was his understanding that they were not in compliance when last inspected.

Mr. Jim Grey ask Council to have the architect submit a progress report, with his professional evaluation, as to completion status, quality of construction and a projection date as to when a punch list would be made and what could be expected in the way of assessments.

Mayor Wood instructed the City Manager to request the architect to comply with Mr. Grey's request.

At Mr. Fox's request, Mayor Wood further instructed the City Manager to contact the Office of the Federal Bureau of Apprenticeship and Training and the U. S. Department of Labor, Wage and Hour Division relative to the compliance status of M. B. Haynes and Hayes and Lunsford on apprenticeship programs and the Davis-Bacon Act.

Mr. Fox expressed appreciation to Vice-Mayor Marshall, Councilmen Hoyle and Horton for their support at last weeks meeting, relative to the awarding of the electrical contract for the Parking Garage to a union contractor.

Adjournment.

Richard D. Wood
MAYOR

William D. Dorsett
CITY CLERK

Councilman Horton moved for the adoption of the ordinance. This motion was seconded by Vice-Mayor Marshall.

On a roll call vote of 6-0, Ordinance No. 832 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of the ordinance. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 832 passed on its second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 832 passed on its third and final reading.

Complete text of Ordinance No. 832 will be found in Ordinance Book No. 6 at page 141.

CONTINUED PUBLIC HEARING - ZONING ORDINANCE

ORDINANCE NO. 322 - AN ORDINANCE AMENDING ORDINANCE NO. 322, AS AMENDED "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE"

5. Mayor Wood opened the public hearing at 3:20 o'clock p. m.

The City Manager read the notice to the public and affidavit of publication setting the time and date for the continuance of this public hearing.

Mr. Emrick, Director of Planning, told Council that he had checked into the request of Mr. Bullard to zone his property at the corner of Sulphur Springs Road and Mimosa Drive from the proposed R-3 to Commercial Highway. He said it had been a previous recommendation of the Planning and Zoning Commission to deny the request and after reviewing the staff report it would be his recommendation to zone the property R-3.

Mr. Bullard stated that there would be very few people affected by changing the zoning and the lot was useless zoned for residential purposes.

Councilman Morris said that he felt no action should be taken without first notifying property owners in the area, since a petition opposed the original request which was denied by Council.

In polling the Council, it was the consensus that the petitioners on the original petition be notified by mail and that the request be brought up again at next week's meeting.

Mr. Mike Summey, Summey Sign Company, appealed to Council to schedule a bus tour for members of Council to observe the various signs now erected and how they would be affected by the ordinance. He said he was still concerned with setback requirements and the control of signs within 600' of the interstate. He said he felt a setback to be measured from the right of way would be virtually impossible at certain places and proposed that the setback be measured from the center line of the road.

It was agreed that a bus tour would be made by sign representatives, members of Council and staff members at 2:00 o'clock Thursday, January 23, 1975 as requested by Mr. Summey.

Mayor Wood asked Mr. Emrick to review the changes relative to signs now

The City Manager presented the bids and read a memorandum from the Purchasing Agent, which recommended the following:

Items 1, 3, and 4 be awarded to low bidder, Matthews Motors, Inc.

Item 1 - One (1) Station Wagon - $4,323.26 (No Trade-In)

Item 3 - One (1) Pick-Up Truck - $3,318.14 (Net amount after trade-in)

Item 4 - Ten (10) Police Type Automobiles - $33,058.40 (Net amount after 10 trade-ins)

The Purchasing Agent recommended that Item 2, One (1) 4-Door Compact Car, be awarded to the second low bidder, Dorato Motors, Inc. in the amount of $3,389.69, as the low bid submitted by Ed Orr Motors, Inc. in the amount of $3,364.00. (difference $25.96) did not meet specifications with regard to wheel base size.

The City Manager explained that the bids exceeded the budget by $5,316.50 and if Council approved the bids he would present an ordinance amending the budget to off-set the deficit.

The City Manager advised Council that the bid summaries which had been furnished included additional information showing the types of cars to be purchased. He also explained that these cars were bid at wholesale prices and that no factory rebates are given from any company on bids of this type.

Councilman Colton moved to accept the recommendation of the Purchasing Agent and to award the bids as follows:

Item 1 - One (1) Station Wagon to Matthews Motors, Inc. in the amount of $4,323.26; Item 2 - One (1) 4-Door Compact Car to Dorato Motors, Inc. in the amount of $3,389.69; Item 3 - One (1) Pick-Up Truck to Matthews Motors, Inc. in the amount of $3,318.14; and Item 4- Ten (10) Police Type automobiles to Matthews Motors, Inc. in the amount of $33,058.40.

This motion was seconded by Councilman Horton and carried unanimously.

BID SUMMARY

Bidder	Bid Item 1 1 Station Wagon	Item 2 1 4-Door Car	Item 3 1 Truck	Item 4 10 Police Cars
Asheville International Truck Sales	No Bid	No Bid	$3,431.66	No Bid
Dorato Motors, Inc.	$4,718.64	$3,389.96	$3,610.95	$39,765.65
Ed Orr Motors, Inc.	No Bid	$3,364.00	No Bid	No Bid
Carolina Truck & Body Co.	No Bid	No Bid	$3,517.47	No Bid
Matthews Motors, Inc.	$4,323.26	$3,518.07	$3,318.14	$33,058.40

ORDINANCE NO. 832 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1974-75

The City Manager presented an ordinance which would appropriate funds from Revenue Sharing Trust Fund for the purpose of purchasing the vehicles for the Police Department.

Mayor Wood advised that the Community Development scheduled for presentation at this meeting would be postponed until next week.

Mayor Wood instructed the Corporation Counsel to proceed with the reading of Ordinance No. 833 on the first reading. He advised that there would be no interruptions until the reading was completed and that it would not be necessary to tape record the reading of the ordinance.

Councilman Hoyle was excused by Mayor Wood at 5:00 o'clock p. m.

At the conclusion of the reading of the ordinance at 6:27 o'clock p. m., Councilman Ochsenreiter moved for the adoption of the ordinance. This motion was seconded by Councilman Colton.

On a roll call vote of 5-0, Ordinance No. 833 passed on its first reading.

CITY MANAGER'S REPORT - WATER PRESSURE ON OAKHILL ROAD

The City Manager reported that in the past several months he had received complaints of low water pressure from the Oakhill Road section of the County. He advised that Mr. Bill Edens, Director of Water and Sewer Department, had completed engineering studies of the area and his recommendation was to install 3000' of 8-inch PVC pipe up Oakhill Road to an existing pumping station. He said that this improvement would cost approximately $28,000, but would be a permanent solution to the low pressure problem.

BIDS - COIN-OPERATED LOCKERS FOR MALVERN HILLS, WALTON STREET, AND RECREATION PARK POOLS

Consideration was given to bids received December 30, 1974 for coin-operated lockers for Malvern Hills, Walton Street, and Recreation Park pools.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bids for items 1 and 2 totaling $8,515.80 submitted by American Locker Company. He said funding would be from the Open Space Park Improvement Program.

Ray Kisiah, Director of Parks and Recreation, answered general questions of Council relative to the lockers.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bids to American Locker Company in the amount of $8,515.80. This motion was seconded by Councilman Colton and carried unanimously.

Bid Summary

Bidder	Bid Item 1 192 Coin-Operated Lockers, size 12" X 18" x 12" minimum	Item 2 18 Coin-Operated Lockers, size 12" X 18" x 36"
Flexible Company	$8,394.24	$1,242.54
American Locker Company	$7,344.00	$1,171.80
	$9,636.78	$8,515.80

being incorporated into the ordinance.

The following changes were noted:

1) A sentence was removed from page 11, Section 30-3-3 (C) which in general made all existing signs under the grandfather clause.

2) An introductory sentence added on page 11 that signs erected after the passage of the ordinance must comply with all provisions.

3) A sentence added on page 23 - Section 30-3-14 (A) 1 that "after a sale or rental contract has been entered into the "For Sale" or "For Rent" sign shall be removed.

Mayor Wood instructed Mr. Emrick to communicate with the Board of Realtors relative to the wording of the sentence.

4) The wording was changed on page 24, under paragraph (b) so that the sentence would provide that advertising and principal use indentification signs shall be in conformance with all provisions.

5) On page 25 the minimum heighth of principal use indentification signs was amended to 9' in lieu of 14'.

6) Under the Commercial Service District on page 25A for principal use indentification signs - the wording was changed to read as follows "(2) Principal use indentification signs of seventy-five (75) square feet or less shall be permitted to face each public street on which a lot fronts. Principal use indentification signs greater than seventy-five (75) square feet and marquees shall be approved by the Board of Adjustment before a building permit may be issued."

7) On page 25A paragraph 3 (b) the setback for principal use indentification signs over 75 square feet is to be measured 20' from any existing right-of-way.

8) On page 25B, the words "advertising sign structure" was added rather than using the display area to measure the minimum distance between signs.

9) Pages 25C and 25D were added dealing mainly with maintenance of all signs, non-conforming signs, and procedures whereby the City would notify the owner of any non-conforming sign for repair or removal.

10) On pages 48, 48A, 49, and 51 setback requirements for accesssory building were added.

11) On page 66, paragraph E(3) the sentence was reworded to read as follows: "Said uses shall, in the opinion of the Board of Adjustment, conform reasonably with the present or future character of development of the surrounding residential area."

Mr. Emrick said the only other changes were those directed by Council in regard to the Commercial Service Districts.

Mayor Wood closed the public hearing at 4:04 o'clock p. m.

b. Work in the existing construction is steadily progressing. Major items of work, such as completion of the construction of an elevated concrete and steel floor for the auditorium, installation of interior doors and hardware, refinishing of interior wall and floor and ceiling surfaces, and installation of new seating remains to be done.

2.a) From the general discussion of the status of the work above, the City might expect the new construction to reach a punch list stage on the interior within thirty days. Exterior completion depends on weather conditions in that concrete finishing is impractical at near freezing temperatures.

b. From the amount of work remaining to be done in the existing construction, the City might expect ninety days of work remaining before this area would be ready for the preparation of a punch list. This schedule is entirely dependent on the progress of all contractors involved and could be more or less than that speculated above.

3) As for liquidated damages, the City recently entered into an agreement with Ranger Construction Company which states that the General Contractor shall pay the City the sum of $500.00 per day for each calendar day after November 15, 1974 for work not completed in the new construction.

This agreement also states that the General Contractor shall pay the City the sum of $500.00 per day after December 31, 1974 for work not completed in the existing construction.

The above penalties are subject to extensions approved by the Architects. However, such extensions are not allowed or disallowed until final project completion, after all pertinent factors have been considered and evaluated.

If further information is required regarding the status of the project, please feel free to call on us.

Very truly yours,

BABER, CORT AND WOOD,P.A.

/s/ John E. Cort

John E. Cort, AIA
Secretary-Treasurer

Corporation Counsel William C. Moore furnished Council with a financial statement for the Civic Center as it pertained to Ranger Construction Company and reported that on January 7, 1975 a meeting was held to discuss the Change Order 13 Agreement referred to in Mr. Cort's letter. He said that under Change Order 13, the City has been paying, with joint checks to Ranger and the materialmen or suppliers involved all invoices approved by the architect and Ranger Construction Company. He said, we have now advised Ranger Construction Company, by letter dated January 9, 1975, that this practice will be discontinued since there are no longer any unencumbered funds available to make these payments.

He said that under items 6, 7, and 8 of the report, certain funds had been escrowed to pay invoices already approved but not processed, as well as other anticipated expenditures which would become due and payable in the near future. He said that funds had also been held in escrow to cover liquidated damages on the project through January 15, 1975.

PRITCHARD PARK RENOVATION - REPORT

Ray Kisiah, Director of Parks and Recreation, gave a brief status report on the Pritchard Park renovation. He said that the fountain kit would be delivered approximately April 1, 1975 after which the renovation would be started.

Councilman Horton asked what the possibility would be of extending Pritchard Park across Haywood Street toward the Wachovia Bank. Mayor Wood explained that this had been considered but the traffic and bus patterns posed somewhat of a problem. However, in view of requests from the Quality '76 Committee, Mayor Wood instructed Mr. Kisiah to take a close look at the layout of the park with an extension of the park in mind.

CIVIC CENTER CONSTRUCTION - DISCUSSION - REPORTS

The City Manager reported that as instructed at last week's meeting he had written to Mr. Tom Poole, U. S. Department of Labor, Bureau of Apprenticeship and Training in Raleigh relative to the records of M. B. Haynes Electric Company and Hayes and Lunsford Electric Company in regards to their activity in apprenticeship and training and also to Mr. Fred Carlock, U. S. Department of Labor as it related to the same two contractors in complying with the Davis-Bacon Act. He said he had not received a reply, in writing, as of this date.

He said that he had, as instructed, written to the architects for the Civic Center requesting a construction progress report, an assessment of what the City could expect in the way of completion and what could be expected in the way of liquidated damages. He said that he had received an answer to this request and with Council's permission he read the following letter:

January 15, 1975

Mr. Ernest Ward
City Manager
Asheville City Hall
Asheville, North Carolina 28807

Subject: Asheville Civic Center

Dear Mr. Ward:

At your request, we are responding to your inquiry as to 1) a progress report on the construction of the Civic Center and 2) what the City can expect in the way of completion time and 3) what the City can expect in the way of assessment for liquidated damages.

1. Although all construction is under a single contract, for general discussion purposes, the construction can be separated into two parts, namely a) new construction and b) existing construction.

a. As of this date, all contractors work in the new construction is nearing a point where a "punch list" can be made on interior work. This means that all items of work on the interior of the building will have been completed, and the Architects will itemize what corrections are to be made to that work, in order for this work to conform to the plans and specifications. Some exterior work, such as rubbing and patching of concrete remain to be done prior to the preparation of a punch list.

Thursday, January 23, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.,

Absent: Councilman Henry E. Colton

1. Approval of minutes of January 16, 1975 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, the minutes of the January 16, 1975 meeting were approved as submitted.

ORDINANCE NO. 322 - AN ORDINANCE AMENDING ORDINANCE NO. 322, AS AMENDED " AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE"

2. Consideration was given to the second reading of Ordinance No. 833, an ordinance amending Ordinance No. 322, as amended "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE".

Mayor Wood advised that members of Council had previously been furnished with copies of the ordinance as presented on the first reading and it would not be re-read unless there was a specific request to do so.

Mr. Mike Summey, Summey Sign Company, outlined particular problems that the sign companies would encounter if the ordinance passed as presented on the first reading. He submitted two proposals 1) dealing strictly with a change in determining the setbacks for advertising signs and 2) delete control by the City of signs along limited access highways. He said under the proposed draft, the setbacks would be measured from the edge of road right-of-ways. However, due to the wide variance of right of ways this method would create difficulty in sign locations, cause signs to be built in wide ranging distances from the traveled roadway, and subject sign erectors to arbirtary rulings of the building inspector in areas where right-of-ways cannot be determined. He submitted the following proposed amendment to Section 30-3-14:

"That paragraph C.3.(a), (b), (c), and (d) on pages 25(A) and 25 (B) be DELETED and the following inserted in lieu thereof:

3. Setback Requirements. The following setback requirements shall govern the placement of all signs. The setback shall be measured from the centerline of the pavement of the street. In the event that a street is unpaved, the measurement shall be made from the centerline of the right of way of such street.

(a) Principal Use Indentification (75 square feet or less). Principal Use Indentification signs 75 square feet or less in area shall be set back forty (40) feet.

(b) Principal Use Indentification (over 75 feet). Principal use indentification signs in excess of 75 square feet in area shall be set back fifty (50) feet.

He said that suppliers had been advised by letter not to rely on the City for future payments, and that copies of all correspondence had been sent to Mr. Howard Gleason, Vice-President of Ranger Construction Company, Mr. Larry McDevitt, attorney for Ranger and Ranger's bonding company, Travelers Insurance Company.

Mayor Wood pointed out that in his discussions with Ranger he had been advised that Ranger, for the last few months, had been carrying their own payrolls as well as other smaller items and that they had indicated that this practice would be continued in the future.

Jim Grey told Council that his questions of last week were now adequately answered but he was concerned over the collection of liquidated damages over and above the $37,500 now being held in escrow. He asked if the future penalties would be levied against Ranger or the bonding company.

Mr. Moore advised him that at the termination of the job the architect would make an assessment of the job and recommend the penalty to be imposed.

Adjournment.

William L. Malcolm
CITY CLERK

Richard A. Wood, Jr.
MAYOR

Councilman Horton moved to amend the ordinance by adding the words "within one week" at the end of the last sentence in Section 30-3-14 paragraph A (1), which would allow temporary real estate signs to remain for one week after the sale or rental contract. This motion was seconded by Councilman Hoyle and on a roll call vote of 5-0, the amendment carried.

Councilman Morris moved to amend the ordinance by adding the words "in all residential districts" after the words "For Rent" in Section 30-3-14, paragraph A(1). This motion was seconded by Councilman Hoyle and on a roll call vote of 5-0, the amendment carried.

Mr. Emrick told Council that in presenting the ordinance on the first reading it was determined that Section 30-3-17 paragraph E had been deleted in error. He asked Council for an amendment adding this section, which would allow for temporary permits for trailers in certain districts and storage of unoccupied mobile homes in a rear yard of an occupied dwelling.

Councilman Ochsenreiter moved to amend the Ordinance by adding Section 30-3-17 paragraph E on page 45 which would allow for temporary permits for mobile homes, camper trailers, or motor homes in certain districts and for the storage of unoccupied mobile homes, camper trailers and motor homes in a rear yard of an occupied dwelling. This motion was seconded by Councilman Horton and on a roll call vote of 5-0, the amendment carried.

Mr. Emrick stated that relative to the request of Mr. B. L. Bullard to rezone property on Sulphur Springs Road and Mimosa Drive, he had, as instructed, notified by mail, the original petitioners in opposition to this request when it was first presented in 1971 and that he had also placed a notice on the property that this matter would be considered at this meeting. He said as a result, he had received a new petition in opposition signed by a sufficient number of the property owners within 100' of the property, which would require a 3/4 vote of Council in order to rezone the property.

Mr. Bullard stated that he had talked to most of the people who opposed the rezoning in 1971 and from what he could determine the main objection was the fact that if rezoned, the property would change owners and an undesirable occupancy might result. He said he had made improvements to the building in recent months. He also stated that if Council did not see fit to rezone this property he would suggest two alternatives: 1) to include in the conditional uses under R-3 District that the words "business or professional offices" be added or 2) that the City purchase the property for a community center.

Mayor Wood stated that since a petition in opposition had been received which contained signatures of more than 20 per cent of the property owners, within 100' of the property, it would require a 3/4 vote of Council to rezone the property.

Mrs. Russell Allen, 36 Mimosa Drive spoke in opposition to the rezoning stating that in future years the property may get into the hands of undesirable tenants which would decrease the value of the property in the area.

Mr. Elmer Russell, property owner in the area, also spoke in opposition to the rezoning.

In the absence of a motion to rezone the property, the request was denied.

(c) Advertising Signs (75 square feet or less). Advertising signs 75 square feet or less in area shall be set back forty (40) square feet.

(d) Advertising Signs (over 75 square feet to 300 square feet). Advertising signs greater than 75 square feet in area and not greater than 300 square feet in area shall be set back fifty (50) feet.

(e) Advertising Signs (over 300 square feet) Advertising signs in excess of 300 square feet in area shall be set back sixty (60) feet and approved by the Board of Adjustment."

That existing subparagraph (e) under paragraph 3 be re-lettered to become subparagraph (f). "

In presenting his proposal to delete the city's control along limited access highways, he said that the outdoor advertising is the major media used to reach the traveling public which bypass our town on the major highways and that any ban or limitation over and above that already placed upon it by State and Federal laws could be a severe blow to the economy.

Mr. J. E. Johnson, Building Inspector, commented that in either case, under the present draft the Building Inspector must establish the right of way and if for some reason the right of way was in error the City would be responsible.

In order to expedite the passage of the ordinance, Councilman Horton suggested that a separate ordinance specifically regulating signs be prepared for Council's consideration. Councilman Ochsenreiter agreed with this suggestion, stating that more time should be given to the sign regulations.

Councilman Morris moved to amend the ordinance as it related to principal use signs by deleting Section 30-3-14; paragraph C (1) (b) (1) in its entirety which required a 9' minimum height on freestanding principal use indentification signs. This motion was seconded by Councilman Ochsenreiter and on a roll call vote of 5-0, the amendment carried.

It was agreed that the sign provisions of the ordinance would remain as first presented and that it was Council's intent to consider, in the near future, a separate ordinance regulating signs.

Verl Emrick, Director of Planning stated that after communicating with the Board of Realtors, he wished to offer an amendment to the wording in Section 30-3-14 subparagraph A (1) which would add the words "in all residential districts" after the words "For Rent", which would prevent temporary real estate signs, "For Sale" or "For Rent" of 12 square feet,in a residential area.

Mrs. Jackie Kettleson, speaking for the Board of Realtors, said that the Board objected to the requirement in Section 30-3-14 paragraph A(1) which requires the removal of the realtor's signs after a sale or rental contract has been made. She said a time limit should be placed on the removal of the signs, suggesting that the signs be allowed to remain for 15 to 30 days after the sale.

The City Manager read the resolution.

Verl Emrick, Director of Planning, advised Council that this agreement is part of a requirement that the State is imposing upon these municipalities in receiving the planning grants that have been offered. He said the City did execute a contract with the State for these funds and that this agreement had been in effect previously between these governing bodies and the Metropolitan Planning Board. However, since the Planning Division is assuming that responsibility it is necessary to re-execute this agreement.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 75-2 was unanimously adopted.

Complete text of Resolution No. 75-2 will be found in Resolution Book No. 8 at page 44.

BIDS - CHEMICALS FOR TREATMENT OF WATER FOR CALENDAR YEAR 1975

6. Consideration was given to bids received December 30, 1974 for chemicals for treatment of water for calendar year 1975.

The City Manager read a memorandum from the Purchasing Agent which recommended award to Ticar Chemical Company, Inc. for all bid items on a unit price basis as follows:

Item #1 - Chlorine 200,000 pds. at $14.00 CWT
Jones Chemicals, Inc. and Ticar quoted the same price - firm for 90 days.

Item #2 - Hexametaphosphate - 80,000 pds at $25.76 CWT
Lowest bid - price firm 90 days.

Item #3 - Caustic Soda - 425,000 pds at $7.00 CWT
Only bid received - price firm 30 days.

Item #4 - Hydrofluosilicis Acid - 300,000 pds at $74.70 per ton.
Three companies, Jones, Moreland and Ticar all quoted the same price - firm for one (1) year.

Items 1 and 4 are recommended for award to Ticar based on the following:
1) Past experience with Ticar has been satisfactory with regard to delivery schedules and billing.
2) Ticar is local and as proven, can give faster, more efficient service.

Mr. Wm. Edens, Water and Sewer Director, answered general questions relative to the treatment of the water.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award all items to Ticar Chemical Company on a unit price basis as quoted. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Mrs. Billie Mountney, 1 Clearbrook Drive, told Council that eventhough she did not own the property in the Koon Development, she felt that certain residential property in this area should be zoned Industrial. She said in March, 1974 when her property adjacent to this area was rezoned Industrial, Council moved that a further study of the area be made in view of establishing new industrial zones. She requested that Lots 222-225, 5 and 5-1/2 be rezoned extending the industrial area to Galax Avenue. She said this property, if rezoned for industrial, would be a tax revenue asset.

Mayor Wood suggested that Mr. Emrick investigate the rezoning of Lots 222-225, 5 and 5-1/2 for industrial purposes and report back to Council next week.

On a roll call vote of 5-0, Ordinance No. 833 passed on its second reading.

REPORT CONCERNING USE OF REVENUE SHARING FUNDS TO PROVIDE EMERGENCY RELIEF FUNDS TO ASHEVILLE-BUNCOMBE COOPERATIVE CHRISTIAN MINISTRY

3. Ken Michalove, Assistant City Manager, reported that based on information he had received from the North Carolina League of Municipalities and the City Attorney the City did not have the authority to enter into an emergency assistance program without local enabling legislation, eventhough such a program was eligible for funding under general revenue sharing.

Mr. Delany, Mr. Shrier, Mr. Wiltshire, and Mrs. Bellflower spoke to the need for an emergency assistance program and urged Council to take appropriate action.

Mayor Wood asked Mr. Michalove to arrange a meeting with the County Commissioners to explore the establishment of funding the program on an interim basis and he asked Mr. Moore to check with the local legislators to determine the feasibility of obtaining local enabling legislation.

PRESENTATION OF COMMUNITY DEVELOPMENT PROJECT RECOMMENDATIONS

4. Ken Michalove, Assistant City Manager, reported that the Staff had prepared two documents relating to Community Development - one being a list of 139 projects recommended as a result of the public hearings. The rough estimated cost being $148,739,540. The other document was a list of 65 policy recommendations to be considered by the City and/or other appropriate agencies.

Mr. Michalove said that there had been some 620 people that participated in the public hearing process. He said that everyone that indicated an interest in keeping up with the Community Development Program would be sent a copy of the two documents.

He also said that the staff would be preparing other information for the City Council to review in making their decision.

Mayor Wood congratulated the citizens and staff for the fine participation in the program thus far.

RESOLUTION 75-2 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ASHEVILLE, TOWN OF BILTMORE FOREST, TOWN OF WOODFIN, COUNTY OF BUNCOMBE, AND NORTH CAROLINA BOARD OF TRANSPORTATION

5. Consideration was given to a resolution authorizing the Mayor to execute a memorandum of understanding between the City of Asheville, Town of Biltmore Forest, Town of Woodfin, County of Buncombe, and North Carolina Board of Transportation.

RESOLUTION NO. 75-3 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE EXTENDING EASTERLY ALONG N. C. 151 (PISGAH HIGHWAY) FROM THE INTERSECTION WITH SR 3449 (BEAVERDAM ROAD) FOR A DISTANCE OF APPROXIMATELY 1100 FEET

Consideration was given to a resolution authorizing Mayor to execute right of way encroachment agreement with the North Carolina State Board of Transportation for water line extending easterly along N. C. 151 (Pisgah Highway) from the intersection with SR 3449 (Beaverdam Road) for a distance of approximately 1100 feet.

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, Resolution No. 75-3 was unanimously adopted.

Complete text of Resolution No. 75-3 will be found in Resolution Book No. 8 at page 45.

CITY MANAGER'S REPORT - RESPONSE FROM TENNESSEE VALLEY AUTHORITY - SOLID WASTE RECYCLING FACILITY

The City Manager reported that he had received a response from the Tennessee Valley Authority relative to a resolution adopted by Council for a solid waste recycling facility.

He said the letter stated that the TVA is evaluating the potential for a recovery system and will advise the City of their findings as early as possible.

REQUEST FROM ASHEVILLE MERCHANTS ASSOCIATION FOR FREE ON-STREET PARKING - MONDAY, FEBRUARY 17, 1975 - ANNUAL GEORGE WASHINGTON SALE

The City Manager presented a request from the Asheville Merchants Association asking permission for free on-street parking in the downtown district on Monday, February 17, 1975 for their annual George Washington Sale.

Councilman Morris moved not to enforce the meters on the streets on Monday, February 17, 1975 at the request of the Asheville Merchants Association. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

PARKING GARAGE - CITY MANAGER'S REPORT - DAVIS-BACON ACT

The City Manager reported that, as instructed, he had written to the U. S. Department of Labor- Bureau of Apprenticeship and Training and also to the U. S. Department of Labor - Employment Standards Administration relative to the records of M. B. Haynes Electric Company and Hayes and Lunsford Electric Company as it pertained to their activity in apprenticeship and training and their compliance with the Davis-Bacon Act. He then read the responses to these letters.

Mayor Wood requested that the letters be entered into the minutes:

Bid Summary - Chemicals for the treatment of water - 1975

Bidder	Bids Item #1 Chlorine 200,000 pds.	Item #2 Sodium Hexametaphosphate plates 80,000 pds.	Item #3 Caustic Soda 50% 425,000 pds
Jones Chemicals, Inc.	$14.00 CWT $28,000	No Bid	No Bid
Moreland Chemicals	$15.00 CWT $30,000	$25.98 CWT $20,784	No Bid
Nalco Chemical Co.	No Bid	$31.55 CWT $25,240	No Bid
Ticar Chemical Co.	$14.00 CWT $28,000	$25.76 CWT $20,608	$7.00 CWT $29,750

Bidder	Bids - Item #4- Hydrofluosilicic Acid	
Jones Chemicals, Inc.	$74.70/ton	$11,205
Moreland Chemicals,	$74.70/ton	$11,205
Nalco Chemicals	No Bid	
Ticar Chemical Co.	$74.70/ton	$11,205

BIDS - HYDRAULIC PACKER TYPE BODY FOR THE SANITATION DEPARTMENT

7. Consideration was given to bids received January 13, 1975 for one (1) tilt cab and chassis complete with a minimum 30 cubic yard hydraulic packer type body to be used in the Sanitation Department.

The City Manager read a memorandum from the Purchasing Agent which stated that Suburban Sanitation Service, Madison, North Carolina submitted the lowest bid in the amount of $36,401.42. However, the bid contained a number of exceptions which, in the opinion of the Superintendent of Motor Transport, adversly affects the "safety" and "maintenance up-keep" of the equipment. It was therefore recommended that the award be made to the second low bidder, Sanco Corporation, Winston-Salem, North Carolina, in the amount of $36,822.15.

Mr. Jim Parris, Superintendent of Motor Transport, answered general questions relative to the equipment.

Vice-Mayor Marshall moved to accept the recommendation of the Purchasing Agent and award the contract to the second low bidder, Sanco Corporation, Winston-Salem, North Carolina in the amount of $36,822.15. This motion was seconded by Councilman Horton and carried unanimously.

Bid Summary - One(1) Tilt Cab and Chassis Complete with a minimum 30 cubic yard hydraulic packer type body

Bidder	Bid
Suburban Sanitation Services	$36,401.42
Roach-Russell, Inc.	43,480.00
Sanco Corp.	36,822.15

U.S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
WAGE-HOUR DIVISION
OFFICE OF THE AREA DIRECTOR

401 BSR Building, 316 E. Morehead Street
Charlotte, North Carolina 28202
704-372-0711, Ext. 431

DATE: January 16, 1975
REPLY TO ATTN OF: Area Director

SUBJECT: M. B. Haynes Electric Company and
Hayes and Lunsford Electric Company

TO: Mr. Ernest J. Ward, City Manager
City of Asheville
Asheville, North Carolina 28801

This will reply to your letter of January 10, 1975 requesting information as to whether M. B. Haynes Electric Company and Hayes and Lunsford Electric Company are currently in compliance with the hourly rate requirements of the Davis-Bacon and Related Acts.

As of this date neither employer is under investigation to determine whether they are working on contracts subject to this Act. An investigation would have to be made to determine if the contractors were performing on jobs that have federal funds involved and whether the employees employed thereon were paid properly.

I have requested our Asheville Compliance Officer, Mr. Charles Weaver, to check with each firm to determine if they have federally funded contracts and determine the extent of compliance if they do have such contracts. Mr. Weaver will get in touch with you as soon as he completes his work.

Fred E. Carlock

Fred E. Carlock
Area Director

U. S. DEPARTMENT OF LABOR
BUREAU OF APPRENTICESHIP AND TRAINING
310 New Bern Avenue
Raleigh, North Carolina 27601

Jan. 21, 1975

Mr. Ernest J. Ward, City Manager
City of Asheville
P. O. Box 7148
Asheville, North Carolina 28807

Dear Mr. Ward:

Thank you for your letter dated January 10, requesting compliance records for the M. B. Haynes Company and the Hayes and Lunsford Electric Company of the Asheville area.

Please bear in mind that a review was made last April on the Group Joint Apprenticeship and Training Committee for Electricians for the Asheville, North Carolina area. The Hayes and Lunsford Electric Company is a contractor participant in this program and representatives of this company were present at the time the review was made, also present was the Secretary of the Committee, representing the Union, Mr. W. B. Moody.

On April 12, 1974, I wrote to this Committee, advising of my findings, and corrective action needed to bring this program in full compliance with their EEO Plan; on two occasions since then, I have been assured by the Secretary of this Committee, that all recommendations made by me had been given high priority and were being implemented.

On April 17, 1974, I wrote to Mr. M. B. Haynes, Electric Corporation, advising of my findings and recommendations for corrective action needed to bring his program into full compliance with his EEO Plan. This review was made on April 11, 1974, with Mr. Hayes attending. I have received no responce from the Hayes Electric Company since that date to indicate that corrective action suggested by me had been implemented.

I had planned a follow-up review for both program sponsors, however; circumstances beyond my control prevented me from doing so.

I hope this information will prove useful to you. If additional information is desired, please advise.

Yours very truly,

Tom Poole

Tom Poole
State Supervisor

Thursday, January 30, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William P. Wolcott, Jr.

Absent: Councilman Eugene C. Ochsenreiter

1) Approval of minutes of January 23, 1975 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, the minutes of the January 23, 1975 meeting were approved as submitted.

RESOLUTION NO. 75-5 - RESOLUTION APPOINTING MEMBER OF ASHEVILLE SCHOOL BOARD (Everette W. Clark)

2. Consideration was given to a resolution appointing Everette W. Clark as a member of the Asheville School Board to fill the unexpired term of W. O. Doud.

The City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Horton, Resolution No. 75-5 was unanimously adopted.

Councilman Morris moved to strike the word "West" from the resolution relating to Mr. Clark's address. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Complete text of Resolution No. 75-5 will be found in Resolution Book No. 8 at page 47.

ORDINANCE NO. 322 - AN ORDINANCE AMENDING ORDINANCE NO. 322, AS AMENDED "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE"

3. Consideration was given to the third reading of Ordinance No. 833, an ordinance amending Ordinance No. 322, as amended, "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE".

Mayor Wood advised that members of Council had previously been furnished with copies of the ordinance as presented on first reading and it would not be re-read unless there was a specific request to do so.

Mayor Wood requested that Verl Emrick present any suggested amendments that had developed since the last meeting.

Upon the request of Mr. Joel Stevenson, attorney for Mr. Max Coffey, who operates a business for portable and mobile signs, Mr. Emrick suggested that Section 30-3-14 (C)(3) be amended to include a subsection (e) to read as follows:

"(e) Portable and Mobile Signs All primary use or advertising signs not permanently affixed and which are leased or rented and have an overall area of fifty (50) square feet or less shall be allowed to abut, but not encroach upon the established right-of-way of any street or highway."

RESOLUTION NO. 75-4 - RESOLUTION AUTHORIZING THE FILING OF DISCLAIMER IN THE CASE OF THE BOARD OF TRANSPORTATION VS. SEA-NIC ENTERPRISES INC. ET AL

Consideration was given to a resolution authorizing the filing of disclaimer in the case of the Board of Transportation vs. Sea-Nic Enterprises Inc. Et Al.

Corporation Counsel William C. Moore reported that Mr. Carl W. Loftin had requested the adoption of a resolution authorizing the filing of a disclaimer in the case of the Board of Transportation vs. Sea-Nic Enterprises, Inc., et al. He said the only interest the City had was that of the taxes for the year 1975 and that Mr. Loftin had shown evidence that these taxes have been prepaid. He said the filing of the disclaimer would allow Sea-Nic Enterprises to draw down the monies being held by the Board of Transportation. Mr. Moore said he saw no reason why the City should not pass the resolution.

Mr. Moore read the resolution and upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 75-4 was unanimously adopted.

Complete text of Resolution No. 75-4 will be found in Resolution Book No. ____ at page 46.

REQUEST FOR PUBLIC HEARING - URBAN MASS TRANSPORTATION ACT

Mr. Michalove, Assistant City Manager, advised Council that a member of the Planning Division had attended a conference in Atlanta to see how the City might use the Urban Mass Transportation funds provided under the new Urban Mass Transportation Act of 1964, as amended. He said, this new act creates federal assistance for Urban Mass Transportation Systems, either to provide capital grants or operational grants, which could be very important to the City. He said the federal register indicated that if we propose to submit an application in Fiscal Year 1975 that we must have an application in by March 1, 1975 and that a public hearing must be held thirty (30) days prior to the date of submission. He requested that Council advertise for a public hearing to hear projects to be considered under this Urban Mass Transportation Act and to allow staff time to find out more information on the matter.

Councilman Morris moved to set a public hearing to hear projects to be considered under the Urban Mass Transportation Act of 1964 for February 27, 1975. This motion was seconded by Councilman Hoyle and carried unanimously.

EAST RIVERSIDE URBAN RENEWAL - DISCUSSION ON AMANDA GAINES PROPERTY

Rev. Avery told Council that a delegation had met with the Project Area Commission, as suggested by Council, requesting that the Gaines property on Asheland Avenue not be taken by the Asheville Housing Authority.

Mrs. Roy Rogers read a report from the Committee which had voted that the Housing Authority should not take the Gaines property.

Mayor Wood asked that Council be advised of the Asheville Housing Authority's action after the Committee's recommendation is considered by the Asheville Housing Authority.

Adjournment.

Richard A. Wood, Jr.
MAYOR

Thelma S. Nolen
CITY CLERK

Mr. Jesse Ledbetter, speaking for this group, was concerned that certain sections were not being zoned at a high enough level to insure proper development. He said that residents in this area had not been given an opportunity to be heard and suggested deleting this area from the ordinance until further study could be made. Councilman Morris advised that at present the area was without zoning and as such subject to undesirable development. He suggested that it would be advantageous to proceed with some type of zoning at the earliest possible date. He further suggested that the property between Rock Hill Road on the South and Ardimore Street on the north could, as a start, be raised from R-3 to R-2. In the discussion, other areas were proposed to be included in the R-2 zone. When it became apparent that no specific limits could be established, Mayor Wood ruled to leave the request open for the moment.

It appearing that several other zoning requests would be made, Mayor Wood asked, that in the interest of time, anyone with such requests to stand and briefly state their requests. The following persons were recognized:

Mrs. George Coggins
Mr. Anthony Redmond
Mr. Herbert Wallace
Mr. Robert Riddle
Mr. B. L. Bullard
Mr. Jesse Ledbetter

After briefly hearing the numerous requests, Mayor Wood stated that it was apparent Council would have to defer the third reading of the ordinance. He advised Mrs. George Coggins, Mr. B. L. Bullard, and Mr. Herbert Wallace that he felt that the planning staff had sufficient information on their requests to make recommendations. However, since Mr. Emrick would be out of the City all of next week, Mayor Wood said he was asking Mr. Redmond, Mr. Coggins and Mr. Riddle to furnish the City Clerk with more specific information as to lots and types of zoning pertinent to their requests. He instructed the City Clerk to transmit this information to the planning staff. For Mr. Ledbetter and others interested in the South Buncombe area, Mayor Wood encouraged them to meet with the planning staff to become familar with what the Zoning Ordinance does provide and to discuss their many problems.

With permission of Council Mayor Wood deferred the third reading of Ordinance No. 833 until the meeting of February 13, 1975.

Mayor Wood recessed the meeting at 4:25 o'clock p. m.

Mayor Wood reconvened the meeting at 4:35 o'clock p. m.

RESOLUTION NO. 75-6 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA BOARD OF TRANSPORTATION FOR USE AND OCCUPANCY OF FACILITIES LOCATED ON STATE PROJECT 8.1901404 FROM STATION 127+00 TO INTERCONNECTION WITH I-40 AND U. S. 74 INTERCHANGE

4. Consideration was given to a resolution authorizing the Mayor to enter into an agreement with the North Carolina Board of Transportation for use and Occupancy of facilities located on State Project 8.1901404 from Station 127+00 to interconnection with I-40 and U. S. 74 interchange.

and that the present Subsection (e) be renumbered Subsection (f).

Councilman Morris moved to amend the ordinance by adding subsection (e) to Section 30-3-14 (C) (3) which would allow for portable and mobile signs. This motion was seconded by Vice-Mayor Marshall and on a roll call vote of 5-0, the amendment carried.

Mr. Emrick said that as instructed by Council, a study had been made relative to the request of Mrs. Billie Mountney that Lots 222-225, 5 and 5-1/2 in the Koon Development be zoned for industrial uses and that it would be his recommendation that the property remain as it is now zoned, unless the streets in the area are widened and repaired to handle additional traffic as well as the replacement of the substandard bridge leading to the development. He said the area was in need of many improvements and he estimated these improvements to be in the $300,000 range.

Corporation Counsel Moore advised that Council did not have the authority to rezone this property upon the request of Mrs. Mountney, as she did not own the property. However, he said, that Council could take this action on their own motion.

Mrs. Mountney persisted that this area should be zoned industrial since she felt that this would produce the best use for the property.

Vice-Mayor Marshall moved to amend the ordinance by zoning all the abuting property northwest of Galax Avenue to Mulvaney Avenue to Heavy Industrial, extending the industrial uses in the Koon Development. This motion was seconded by Councilman Hoyle and on a roll call vote of 5-0, the amendment carried.

Mr. William Atkinson, a real estate developer, requested that the property on Patton Avenue lying west of Smith Mill Creek to Hansel Street be zoned from the proposed R-3 to Commercial Highway. He stated that a business development was being planned for this property and that the portion abuting on Patton Avenue was being zoned residential which was not conducive to the planned development. Mr. Emrick recommended approval of the request for the change.

Councilman Colton moved to amend the ordinance by zoning the property west of Smith Mill Creek to Hansel Street from the proposed R-3 to Commercial Highway being all the property lying within the City Limits and commonly known as the Bennett and Pelmet property. This motion was seconded by Councilman Morris and on a roll call vote of 5-0, the amendment carried.

Mr. George Coggins, developer of Westgate Shopping Center, requested that consideration be given to the property on the south side of Patton Avenue opposite the shopping center, now owned by the City or himself. It was confirmed that the zoning under the present ordinance was industrial, to be changed in part to Industrial and R-3 under the new ordinance. Mr. Coggins requested a change to Commercial Highway conforming with the zoning of the Westgate property across Patton Avenue. After some discussion no specific conclusion resulted and Mayor Wood ruled to leave this request open for the moment.

Mr. Emrick advised Council that there had been requests from residents of the South Biltmore area to upgrade the proposed zoning from R-3 to R-2. He said that in reviewing this request it was found that the variation in lot sizes made it difficult to make a recommendation on this request.

He said his office had examined the bid proposal of Biltmore Builders and it would be their recommendation to accept this low bid and the execution of a contract with Biltmore Builders for the work specified.

Councilman Colton moved to accept the recommendation of the architect and award the contract to Biltmore Builders in the amount of $29,680 and to authorize the Mayor to execute the necessary contracts. This motion was seconded by Councilman Horton and carried unanimously.

BIDS - DEMOLITION OF THE DOLLAR STORE PROPERTY FOR THE NEW LIBRARY BUILDING

7. Consideration was given to bids received January 28, 1975 for the demolition and removal of the buildings on the proposed new library site at 67 and 69 Haywood Street.

The City Manager presented the bids and read a memorandum from William P. Wolcott, Jr., Assistant City Manager for Operations, which recommended that the contract be awarded to the low bidder, Perry M. Alexander Construction Company, in the amount of $14,475.00. He said in accordance with an agreement with Buncombe County, the City will enter into a contract for the demolition of the buildings, supervise the work and pay the contractor and upon completion of the contract the County agrees to reimburse the City for this work.

Councilman Morris moved to award the contract to the low bidder, Perry M. Alexander Construction Company in the amount of $14,475 and to authorize the Mayor to execute the necessary contract. This motion was seconded by Councilman Colton and carried unanimously.

Bid Summary

Perry M. Alexander Construction Company	$14,475.00
Ruckman Brothers Construction Company	15,750.00
Asheville Paving Company	17,125.00
Troitino & Brown, Inc.	19,300.00

RESOLUTION NO. 75-7 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE EXTENDING ALONG S. R. 1248 (OAK HILL ROAD), BUNCOMBE COUNTY

8. Consideration was given to a resolution authorizing Mayor to execute right-of-way encroachment agreement with the North Carolina State Board of Transportation for water line extending along S. R. 1248 (Oak Hill Road), Buncombe County.

The City Manager read the resolution

Upon motion of Vice-Mayor Marshall, seconded by Councilman Horton, Resolution No. 75-7 was unanimously adopted.

Complete text of Resolution No. 75-7 will be found in Resolution Book No. 8 at page 49.

RESOLUTION NO. 75-8 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR A METER PIT CONNECTION TO THE WOODFIN WATER SYSTEM ON S. R. 1369 (MOUNT CARMEL ROAD), BUNCOMBE COUNTY

9. Consideration was given to a resolution authorizing Mayor to execute right-of-way encroachment agreement with the North Carolina State Board of Transportation

The City Manager read the resolution.

Gary McGill, of the Water and Sewer Department staff, stated that this agreement is for the use and occupany of the water and sewer facilities within the right of way of State Project 8.1901404, from Charlotte Street to the I-40 and U. S. 74 interchange and allows the City the right to maintain our facilities on their right of way.

Upon motion of Councilman Colton, seconded by Councilman Morris, Resolution No. 75-6 was unanimously adopted.

Complete text of Resolution No. 75-6 will be found in Resolution Book No. 8 at page 48

PROPOSED FIRE STATIONS IN EAST RIVERSIDE AND SOUTH BILTMORE

5. Mr. Dannie Johnson, of Traber Associates, presented preliminary drawings of the two proposed fire stations to be constructed at the intersections of Hendersonville Road and Caribou Road and South French Broad and Livingston Street. He said the brick and concrete block fire stations will house equipment and also provide a nine-bed dormitory facility, kitchen, living room and toilet-shower rooms surrounding a courtyard. He answered general construction questions of Council.

Mayor Wood advised Council that the City has written offers to sell the two properties necessary to build in South Biltmore from Mr. Anthony Redmon and Mr. John Shuford. He instructed the City Clerk to prepare a resolution accepting their offers.

Mr. Johnson advised that it would be approximately 30-45 days before they would be ready to let bids.

Mayor Wood commented that the City is obligated to sign a construction contract for the South Biltmore station by July 1, 1975 under a recent annexation ordinance.

BIDS - ACOUSTICAL SHELL FOR CIVIC CENTER

6. Mr. John Cort, Baber, Cort and Wood architects, commented that the City of Asheville employed Dr. C. P. Boner, an Acoustical Consultant from Austin, Texas, to make an acoustical study of the existing auditorium and one of their recommendations was the construction of an acoustical ceiling element over the proscenium opening which would form an enclosure for the new speaker system and also facilitate the transmission of sound from the stage area to the audience. He also stated that upon the advice of many stage consultants, the provision of a spotlighting bridge in front of the stage at the ceiling level has been deemed an abolute necessity. He said, as directed by Council, his office had designed and prepared technical drawings and specifications for a spotlight bridge which will provide space for mounting twelve to sixteen large spotlights at the ceiling level, concealed from view by the audience.

He presented bids received January 21, 1975 for all work involved in the construction of the acoustical ceiling element and spotlight platform.

The following bids were submitted:

Associated Constructors, Inc.	$44,000
Biltmore Builders, Inc.	29,680
Blount Construction	42,900
Buncombe Construction Co.	42,280
Price-Ray Constructors	38,800

RESOLUTION NO. 75-11 - RESOLUTION APPOINTING MEMBER OF THE METROPOLITAN SEWERAGE DISTRICT BOARD (C. LeRoy Robinson)

13. Consideration was given to a resolution reappointing C. LeRoy Robinson as a member of the Metropolitan Sewerage District Board.

The City Manager read the resolution.

Upon motion of Councilman Hoyle, seconded by Councilman Morris, Resolution No. 75-11 was unanimously adopted.

Complete text of Resolution No. 75-11 will be found in Resolution Book No. 8 at page 53.

RESOLUTION NO. 75-12 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE TRANSIT AUTHORITY

14. Consideration was given to a resolution reappointing Roy Meece and William G. Adams as members of the Asheville Transit Authority.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 75-12 was unanimously adopted.

Complete text of Resolution No. 75-12 will be found in Resolution Book No. 8 at page 54.

RESOLUTION NO. 75-13 - RESOLUTION AMENDING RESOLUTION NO. 73-44 AND RESOLUTION NO. 74-158 ESTABLISHING REGULATIONS FOR THE OPERATION OF THE ASHEVILLE CIVIC CENTER

15. Consideration was given to a resolution amending Resolution No. 73-44 and Resolution No. 74-158 establishing regulations for the operation of the Asheville Civic Center.

The City Manager read the resolution.

Councilman Colton questioned the wording of the sentence added to Section 2 (a) relative to "a wrestling performance shall not be booked within "seven" days on either side of a wrestling performance previously booked." It was his opinion that this should be amended to six days to allow for a wrestling match once a week.

Councilman Morris moved for the adoption of the resolution and to amend it by inserting six (6) days in lieu of seven (7) in the sentence added to Section 2 (a) relative to wrestling matches. This motion was seconded by Councilman Hoyle and carried unanimously.

Complete text of Resolution No. 75-13 will be found in Resolution Book No. 8 at page 55.

RESOLUTION NO. 75-14 - RESOLUTION PROTESTING THE DISCONTINUANCE OF PASSENGER SERVICE BETWEEN ASHEVILLE AND SALISBURY

16. Consideration was given to a resolution protesting the discontinuance of passenger service between Asheville and Salisbury.

The City Manager read the resolution and explained that the resolution was prepared at Council's direction and was based on information gathered from the local newspaper since attempts to contact other sources were unsuccessful.

for a meter pit connection to the Woodfin Water System on S. R. 1369 (Mount Carmel Road) Buncombe County.

The City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Horton, Resolution No. 75-8 was unanimously adopted.

Complete text of Resolution No. 75-8 will be found in Resolution Book No. 8 at page 50.

RESOLUTION NO. 75-9 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE EXTENDING ALONG N. C. 191 (RIVERSIDE DRIVE) AND A METER PIT CONNECTION TO THE WOODFIN WATER SYSTEM, BUNCOMBE COUNTY

10. Consideration was given to a resolution authorizing Mayor to execute right-of-way encroachment agreement with the North Carolina State Board of Transportation for water line extending along N. C. 191 (Riverside Drive) and a meter pit connection to the Woodfin Water System, Buncombe County.

The City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Horton, Resolution No. 75-9 was unanimously adopted.

Complete text of Resolution No. 75-9 will be found in Resolution Book No. 8 at page 51.

RESOLUTION NO. 75-10 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE EXTENDING ALONG S. R. 1360 (HILLCREST STREET), HENDERSON COUNTY

11. Consideration was given to a resolution authorizing Mayor to execute right-of-way encroachment agreement with the North Carolina State Board of Transportation for water line extending along S. R. 1360 (Hillcrest Street), Henderson County.

The City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Horton, Resolution No. 75-9 was unanimously adopted.

Complete text of Resolution No. 75-10 will be found in Resolution Book No. 8 at page 52.

PUBLIC HEARING - URBAN MASS TRANSIT FUNDS

12. The City Manager reported that Ken Michalove, Assistant City Manger, stated at last week's meeting that the staff would be checking into the requirements for an application for Urban Mass Transportation funds and had requested Council to set a public hearing for February 28, 1975. He said after reviewing the guidelines it was found that a public hearing was not necessary, therefore it was not published.

PROCLAMATION - AMERICAN HISTORY MONTH - FEBRUARY, 1975

Mayor Wood proclaimed the month of February, 1975 as American History Month at the request of the Daughters of American Revolution.

TRAFFIC SIGNAL - FAIRVIEW ROAD AT CEDAR STREET

Mayor Wood instructed the City Manager to investigate the possibility of the installation of a traffic light at the intersection of Fairview Road at Cedar Street at the request of Ms. Annie Best.

REVENUE SHARING FUNDS FOR EMERGENCY ASSISTANCE

Mr. Moore, Corporation Counsel, commented that as instructed he had contacted three members of the delegation of the General Assembly relative to emergency assistance funds. He said he had written a letter to them requesting that they look favorable upon this request and that they take such action as they deem necessary on the matter. He also provided them with copies of the Raleigh ordinance governing emergency assistance funds and a copy of the opinion from Mr. Gray of the League of Municipalities relative to the use of Revenue Sharing funds for such purposes as well as a copy of his opinion, based on the General Statutes.

Mr. Michalove, Assistant City Manager, stated that, as directed, a meeting was scheduled with the Buncombe County Commissioners and the agencies involved for Friday, January 31, 1975 at 3:00 o'clock p. m. in the office of the Chairman of the Buncombe County Commissioners to discuss emergency assistance funding.

Adjournment.

Richard D. Wood, Jr.
MAYOR

Marjorie R. Metcalf
CITY CLERK

Upon motion of Councilman Horton, seconded by Vice-Mayor Marshall, Resolution No. 75-14 was unanimously adopted.

Complete text of Resolution No. 75-14 will be found in Resolution Book No. 8 at page 57.

AMANDA GAINES PROPERTY - ASHELAND AVENUE

Mayor Wood advised that he had received a petition from the Interdenominational Ministerial Alliance in regard to the Asheville Housing Authority acquiring the property of Mrs. Amanda Gaines at 309 Asheland Avenue. He requested that the petition be entered into the minutes and that the City Clerk transmit a copy to the Asheville Housing Authority..

January 20, 1975

FROM: The Interdenominational Ministerial Alliance
Asheville- Buncombe County
Reverend W. A. Eason, Vice-President, presiding.

TO: Honorable Mayor Richard A Wood, Jr., and Council

Resolution Regarding the Property of Mrs. Amanda Gains
Located at 309 Asheland Ave., Asheville, North Carolina

Whereas, Mrs. Amanda Gains has faced many of life's difficulties, receiving meager wages for her labor has in the face of adversity been able to acquire the parcel of property at 309 Asheland Avenue and

Whereas, the above named has spent much of her livelihood, considerable time and effort in the upkeep of said property and

Whereas, she has for many years paid taxes on said property, and has been an unassuming citizen of the City of Asheville and Buncombe County and

Whereas, the said named person is now 74 years of age and

Whereas, it is an undeniable fact that there is a shortage of housing in the city of Asheville and

Whereas, the Building Inspector for the City of Asheville has stated before City Council that the said dwelling is in living condition according to the city code and

Whereas,the PAC Committee has agreed to recommend that the Asheville Housing Authority leave said property alone and

Whereas, the Asheville Housing Authority has already acquired property adjacent to the Gain's property that could be utilize for street purposes be it therefore

Resolved that Mayor Richard A. Wood, Jr., and members of City Council take ALL necessary steps needed to have the property of Mrs. Amanda Gains remain as is.

Signed: James O. Jones, Mrs. Louise M. Autry
O. T. Jones
Rev. H. H. Mapp
W. A. Eason
L. C. Kay
W. H. Gibbs
Edgar Lee Waters Jr.

Upon motion of Councilman Morris, seconded by Councilman Horton, Resolution No. 75-15 was unanimously adopted.

Complete text of Resolution No. 75-15 will be found in Resolution Book No. 8 at page 58.

RESOLUTION NO. 75-16 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CONTRACT WITH A. J. KELLOS CONSTRUCTION COMPANY FOR THE GENERAL CONTRACT FOR THE CIVIC CENTER PARKING FACILITY

4. Consideration was given to a resolution authorizing the Mayor to execute contract with A. J. Kellos Construction Company for the General Contract for the Civic Center Parking Facility.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 75-16 was unanimously adopted.

Complete text of Resolution No. 75-16 will be found in Resolution Book No. 8 at page 59.

RESOLUTION NO. 75-17 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CONTRACT WITH INDUSTRIAL MAINTENANCE OVERFLOW, INC. FOR THE PLUMBING CONTRACT FOR THE CIVIC CENTER PARKING FACILITY

5. Consideration was given to a resolution authorizing the Mayor to execute contract with Industrial Maintenance Overflow, Inc. for the plumbing contract for the Civic Center Parking Facility.

The City Manager read the resolution.

Upon motion of Councilman Horton, seconded by Councilman Colton, Resolution No. 75-17 was unanimously adopted.

Complete text of Resolution No. 75-17 will be found in Resolution Book No. 8 at page 60.

RESOLUTION NO. 75-18 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CONTRACT WITH M. B. HAYNES ELECTRICAL CORPORATION FOR THE ELECTRICAL WORK IN THE CIVIC CENTER PARKING FACILITY

6. Consideration was given to a resolution authorizing the Mayor to execute contract with M. B. Haynes Electrical Corporation for the electrical work in the Civic Center Parking Facility.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, Resolution No. 75-18 was unanimously adopted.

Complete text of Resolution No. 75-18 will be found in Resolution Book No. 8 at page 61.

Thursday, February 6, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Councilmen Henry E. Colton, Bill B. Horton, Ralph D. Morris, Jr., Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Calvin W. Marshall and Councilman J. W. Hoyle

1. Approval of minutes of January 30, 1975 meeting.

Upon motion of Councilman Colton, seconded by Councilman Horton, the minutes of the January 30, 1975 meeting were approved as submitted.

BIDS - 4,000 ' PVC PIPE FOR WATER AND SEWER DEPARTMENT

2. Consideration was given to bids received February 3, 1975 for 4,000' PVC pipe for the Water and Sewer Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Davis Meter and Supply Company, Knoxville, Tennessee at $2.72 per foot, totaling $10,880.00. He said this was to be used for the Oakhill Road Water Line replacement.

Councilman Colton moved to accept the recommendation of the Purchasing Agent and award the contract to the low bidder, Davis Meter and Supply Company, Knoxville, Tennessee at $2.72 per foot, totaling $10,880.00. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Bid Summary - 4,000 Ft. 8-Inch Polyvinyl Chloride (PVC) Pipe

Bidder	Bid	
Supply Specialty	No Bid	
Tidewater Supply	3.25 per ft.	$13,000.00 total
Southern Meter & Supply	2.79 per ft.	$11,160.00 total
Davis Meter & Supply	2.72 per ft.	$10,880.00 total
Carolina Pump & Supply	2.79 per ft.	$11,160.00 total

RESOLUTION NO. 75-15 - RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO ACQUIRE CERTAIN PROPERTY LOCATED ON HENDERSONVILLE ROAD AND CARIBOU ROAD

3. Consideration was given to a resolution authorizing the City of Asheville to acquire certain property located on Hendersonville and Caribou Roads.

The City Manager read the resolution.

Mayor Wood explained that this property was to be acquired for the construction of a fire sub-station in the South Biltmore area and consisted of two parcels of land belonging to Mr. John Shuford and Mr. Anthony Redmond. He said the land purchase price totaled $45,000.00.

Corporation Counsel William C. Moore stated that he had contacted three members of the General Assembly and had received correspondence from Mr. Gudger and Mrs. Nesbitt indicating their support for legislation for such matters and was having a delegation meeting this week and would also bring the matter up this week.

Mayor Wood commented that he had contacted the Director of the League of Municipalities requesting the League's support to our delegation and to help them in terms of drafting such legislation.

TRAFFIC LIGHT INSTALLATION - CEDAR STREET AND LIBERTY STREET - CITY MANAGER'S REPORT

The City Manager reported that at last weeks meeting he was instructed to investigate the feasibility of the installation of a traffic signal at the intersection of Fairview Road, Cedar Street and Liberty Street. He said a study was made by the Traffic Engineer which revealed the following facts:

Liberty Street - 8-hour traffic volume
501 vehicles - one approach
Cedar Street - 8-hour traffic volume
339 vehicles - one approach
Fairview Road - 8-hour traffic volume
2,189 vehicles - both approaches

Accidents: 1 right angle collision - 11-6-73
1 right angle collision - 1-15-74

In addition, the Principal of Oakley School had stated that there are approximately One Hundred (100) school children and six (6) school buses who use the crossing at Cedar Street and Fairview Road. There is also a sight distance problem in the northwest quadrant caused by some shrubbery on private property. It was the Traffic Engineer's recommendation, eventhough traffic volumes were below minimum warrants for a traffic signal installation, to install a semi-actuated traffic signal in view of the street alignment and its uses. Mr. Ward said he had directed the Traffic Engineer to install a traffic signal at the intersection and it is expected to be installed within thirty (30) days.

Councilman Colton suggested that the City Manager check into the feasibility of the installation of a pedestrian actuated traffic signal in view of the number of school children involved.

CONTRACT - STORM DRAINAGE REPAIR - TAYLOR AND MURPHY CONSTRUCTION COMPANY

Mr. Johnson, Building Inspector, advised Council that he had a contract for Council's consideration relative to the repair of a storm drain damaged during the demolition of 27 and 29 South French Broad Avenue. He said it was his opinion that it would be more feasible to contract rather than having city crews do the work.

Councilman Morris moved to authorize the Mayor to execute a contract with Taylor and Murphy Construction Company for the repair of the storm drain at 27 and 29 South French Broad Avenue. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

ZONING ORDINANCE - REQUEST OF R. L. COLEMAN - ASHEVILLE MALL, INC.

Mayor Wood advised that he had received a letter from Richard L. Coleman, Jr. on behalf of the Asheville Mall, Inc. which questioned parking requirements in group developments under the proposed Zoning Ordinance. He requested the planning staff to review the letter and make recommendations at next week's meeting.

STAFF REPORT - COMMUNITY DEVELOPMENT FUNDS

7. Ken Michalove, Assistant City Manager, presented a revised list of staff and citizen project recommendations for Community Development funds explaining that the projects had been divided into ineligible, borderline eligible, and eligible categories with some explanation as to the availability of other possible funding resources. He explained that the revised list had been mailed to citizens and various agencies on Wednesday, February 5, 1975 with a cover letter from the Mayor explaining that a sub-committee of the City Council would be appointed to develop a draft of the First Action plan.

He also provided Council with copies of the Metropolitan Planning Board's study entitled "Asheville Rehabilitation and Renewal Program Phase I and II." He explained that this information dealt with physical improvement needs in the City of Asheville and would be helpful to the Council in determining areas of greatest need.

Mayor Wood asked if Council was amiable to establishing a sub-committee to determine the First Year Plan for the Community Development Program.

Councilman Colton moved to authorize the Mayor to appoint a sub-committee to develop plans for the Community Development Program. This motion was seconded by Councilman Horton and carried unanimously.

There was further discussion that when the sub-committee completed a draft of recommendations there would be a public meeting for the citizens to hear their recommendations and the draft would be mailed to citizens and agencies prior to the public meeting.

RESOLUTION NO. 75-19 - RESOLUTION OF APPRECIATION RECOGNIZING THE BUNCOMBE COUNTY COMMISSIONERS FOR RECENT ACTION TAKEN TO ALLEVIATE SOME OF THE PROBLEMS OF PROVIDING EMERGENCY ASSISTANCE SERVICES

8. Consideration was given to a resolution of appreciation recognizing the Buncombe County Commissioners for recent action taken to alleviate some of the problems of providing emergency assistance services.

The City Manager read the resolution.

Mayor Wood commented that a number of representatives from the City and various agencies made a presentation to the Commissioners explaining the need for emergency assistance. He said the Commissioners had appropriated $25,000 to the Asheville-Buncombe Community Christian Ministry to continue emergency services. He said the County was assured that the City would make every effort to obtain legal authority to participate with the County in such matters.

Councilman Morris moved for the adoption of the resolution. In seconding the motion, Councilman Horton commented that the Asheville Buncombe Community Christian Ministry had done an outstanding job for our community. This motion carried unanimously.

Complete text of Resolution No. 75-19 will be found in Resolution Book No. 8 at page 62.

Mayor Wood instructed the City Clerk to transmit a copy of the resolution to the Chairman of the Buncombe County Commissioners.

Thursday, February 13, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel William C. Moore, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: City Manager Ernest J. Ward, Jr.

1. Approval of minutes of February 6, 1975 meeting.

Upon motion of Councilman Horton, seconded by Councilman Hoyle, the minutes of the February 6, 1975 meeting were approved as submitted.

BONDS- WATER AND PARKING GARAGE BONDS

Councilman Ochsenreiter introduced the following resolution which was read:

RESOLUTION PROVIDING ROR THE ISSUANCE OF $825,000 PARKING BOND ANTICIPATION NOTES

BE IT RESOLVED by the City Council of the City of Asheville:

Section 1. The City Council has determined and does hereby find and declare:

(a) That existing public and private parking facilities in the Asheville central business district are insufficient to meet current parking demand.

(b) That the completion of the Asheville Civic Center, which is presently under construction, will increase the annual demand for parking by approximately 171,000 parkers.

(c) That the off-street parking structure proposed to be constructed with the $825,000 Parking Bonds mentioned hereinbelow will provide approximately 575 additional parking spaces.

(d) That even after construction of said off-street parking structure, parking demand will exceed supply in the Asheville central business district because of the increased parking demand which will be generated by the operation of the Asheville Civic Center.

PROCLAMATION - CAREER DAY - FEBRUARY 11, 1975

Mayor Wood proclaimed February 11, 1975 as Career Day at the request of the Asheville Buncombe County Youth Council.

ZONING ORDINANCE - REQUEST OF HUGH BOULDEN

Councilman Horton noted that Mr. Hugh Boulden had a request concerning the proposed zoning ordinance and was advised that he should contact the planning staff prior to next week's meeting.

GEORGE MOOREFIELD - CIVIC CENTER - WRESTLING

Mr. George Moorefield, a wrestling promoter, appeared to protest the resolution establishing the City's policy for the operation of the Civic Center. In particular he objected to the policy requiring wrestling promoters to make a payment of $1,000 prior to 30 days of any wrestling matches booked. Mr. Moorefield claimed that this was more than the total cost for the rental of the building and said that this policy was discriminatory against wrestling promoters.

Mr. James Evans, Civic Center Manager, advised Council that wrestling promotions differ from other promotions in that the advance ticket sale is less and that the deposit was necessary to cover cost incurring before the day of the actual event.

Mayor Wood acknowledged Mr. Moorefield's request that the policy be rescinded.

PARKING GARAGE - DISCUSSION

Mr. Jim Grey requested Council to communicate with the contractors for the Parking Garage relative to the assurance that local labor would be used.

Councilman Horton commented that in light of the economical condition he felt this request had validity and moved that the City staff be requested to communicate to the contractors the Council's hope and desire that to the greatest extent possible local labor would be used on the job. This motion was seconded by Councilman Colton and carried unanimously.

COUNCILMAN HORTON - REQUEST FOR TAX BASE INFORMATION

Councilman Horton requested that the City Manager check with the Tax Office to see if there were any indications as to what the total evaluation or tax base would be for the City.

ZONING ORDINANCE - COUNCILMAN MORRIS

Councilman Morris requested the planning staff to check into a possible amendment to the Zoning Ordinance which would allow boats and trailers to be parked in a side yard rather than just in a rear year, which might impose a hardship on people who did not have a rear yard.

Adjournment.

Richard A. Wood, Jr.
MAYOR

William D. Halcomb
CITY CLERK

placed upon said notes shall be substantially as follows:

No. _____ $_____

United States of America
State of North Carolina
County of Buncombe

CITY OF ASHEVILLE

Parking Bond Anticipation Note

The City of Asheville, a municipal corporation in Buncombe County, North Carolina, is justly indebted and for value received hereby promises to pay to the bearer on the 26th day of March, 1975, the principal sum of

_____ THOUSAND DOLLARS

and to pay interest thereon from the date hereof at the rate of _____ per centum (_____%) per annum, payable upon the presentation and surrender of this note at its maturity. Both the principal of and the interest on this note are payable at _____ _____, in _____, _____, in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts. For the prompt payment hereof, both principal and interest as the same become due, the full faith and credit of said City of Asheville are hereby irrevocably pledged.

This note is given for money borrowed in the amount of the face of this note in anticipation of the receipt of the proceeds of a like amount of Parking Bonds duly authorized by an order adopted by the City Council of said City on August 29, 1974, which order has taken effect, and this note is issued pursuant to and in full compliance with The Local Government Bond Act, as amended, Article 9, as amended, of Chapter 159 of the General Statutes of North Carolina, and a resolution duly passed by the City Council of said City.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North

(e) That the construction of said off-street parking structure by the City of Asheville will aid materially in accommodating this greatly increased demand for parking spaces in the Asheville central business district and is, therefore, a public necessity and convenience and a necessary and proper public and municipal purpose of the City.

(f) That an order authorizing $825,000 Parking Bonds was adopted by the City Council of the City of Asheville on August 29, 1974, which order has taken effect.

(g) That none of said bonds has been issued, that no notes have been issued in anticipation of the receipt of the proceeds of said bonds, and that it is necessary to issue at this time $825,000 notes in anticipation of the receipt of the proceeds of said bonds.

Section 2. In anticipation of the receipt of the proceeds of a like amount of said bonds, the issuance of $825,000 negotiable notes of the City of Asheville is hereby authorized, which notes shall be designated "Parking Bond Anticipation Notes" shall be dated March 10, 1975, shall mature on March 26, 1975, without option of prior payment, and shall bear interest at a rate to be determined by the Local Government Commission at the time the notes are sold, which interest shall be payable at the maturity of the notes to which no interest coupons shall be attached. Said notes shall be payable as to both principal and interest at such bank or trust company, shall have such denomination or denominations and shall bear such number or numbers as may be fixed by the Mayor after the award of the notes by the Local Government Commission, and both the principal of and the interest on said notes shall be payable in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts.

Section 3. Said notes shall be signed by the Mayor and the City Clerk and the corporate seal of the City shall be affixed to the notes. The form of said notes and the endorsements to be

Section 5. This resolution, being a resolution directing administrative action, shall take effect immediately.

Richard A. Wood, Jr.
Mayor

William F. Wolcott, Jr.
City Clerk

Approved as to form:

William C. Moore
Corporation Counsel

Thereupon Councilman Ochsenreiter moved the passage of the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $825,000 PARKING BOND ANTICIPATION NOTES", and Councilman Morris seconded the motion and the resolution was passed by the following vote:

Ayes: Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, and Vice-Mayor Calvin W. Marshall.

Nays: None

* * * * * *

Thereupon Councilman Colton introduced the following resolution which was read:

RESOLUTION PROVIDING FOR THE ISSUANCE OF $825,000 PARKING BONDS

BE IT RESOLVED by the City Council of the City of Asheville:

Section 1. The City Council has determined and does hereby find and declare:

(a) That an order authorizing $825,000 Parking Bonds was adopted by the City Council of the City of Asheville on August 29, 1974, which order has taken effect.

(b) That none of said bonds has been issued, that no notes have been issued in anticipation of the receipt of the proceeds of said bonds, that there will be issued $825,000 Parking

Carolina to happen, exist, and be performed precedent to and in the issuance of this note have happened, exist, and have been performed in regular and due form and time as so required, and that the total indebtedness of said City, including this note and all other indebtedness heretofore incurred in the fiscal year in which this note is issued, does not exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, said City of Asheville has caused this note to be signed by its Mayor and its City Clerk and the corporate seal of the City to be affixed hereto, all as of the 10th day of March, 1975.

Approved as to form:

[Manual signature]
Corporation Counsel

[Manual signature]
Mayor

[Manual signature]
City Clerk

[To be endorsed upon reverse of notes]

Local Government Commission Serial No. ....

The issuance of this note has been approved under the provisions of The Local Government Bond Act of North Carolina.

H. E. BOYLES
Secretary, Local Government Commission

By: [Manual signature]
Designated Assistant

Section 4. The action of the _____ in applying to the Local Government Commission to approve, advertise and sell said notes and the action of the Local Government Commission in asking for bids for said notes by publishing a sale notice and printing and distributing circulars are hereby ratified and confirmed.

administration action, shall take effect immediately.

Richard A. Wood, Jr.
Mayor

William F. Wolcott, Jr.
City Clerk

Approved as to form:

William C. Moore
Corporation Counsel

Upon motion of Councilman Colton, seconded by Councilman Hoyle, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $825,000 PARKING BONDS" was passed by the following vote:

Yeas: Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, and Vice-Mayor Calvin W. Marshall.

Nays: None.

Thereupon Councilman Morris introduced the following resolution which was read:

RESOLUTION PROVIDING FOR THE ISSUANCE OF $3,075,000 WATER BONDS, SERIES A

BE IT RESOLVED by the City Council of the City of Asheville:

Section 1. The City Council has determined and does hereby find and declare:

(a) That an order authorizing $8,250,000 Water Bonds was adopted by the City Council of the City of Asheville on February 19, 1974, which order was approved by the vote of a majority of the qualified voters of said City who voted thereon at a referendum duly called and held on April 6, 1974.

(b) That none of said bonds has been issued, that no notes have been issued in anticipation of the receipt of the proceeds of said bonds, and that it is necessary to issue at this time $3,075,000 of said bonds.

Bond Anticipation Notes, dated March 10, 1975, and maturing on March 26, 1975, which notes will be issued in anticipation of the receipt of the proceeds of a like amount of said bonds, and that it is necessary to issue at this time all of said bonds, $825,000 of the proceeds thereof to be applied to the payment of said notes maturing on March 26, 1975.

(c) That the maximum period of usefulness of the structure for off-street parking in said City to be constructed pursuant to said order is estimated as a period of forty years from March 1, 1975, the date of the bonds authorized hereby, and that such period expires on March 1, 2015.

Section 2. For the purpose provided in said order, there shall be issued the negotiable coupon bonds of the City of Asheville in the aggregate principal amount of $825,000, designated "Parking Bonds", dated March 1, 1975, and consisting of 165 bonds of the denomination of $5,000 each, numbered 1 to 165, inclusive. Said bonds shall mature annually, March 1, in numerical order, lowest numbers first, $75,000 1977 to 1981, inclusive, $100,000 1982 and 1983, and $125,000 1984 and 1985, without option of prior payment, and bear interest from their date at a rate or rates to be determined by the Local Government Commission at the time the bonds are sold, which interest to the maturity thereof shall be payable semi-annually on the 1st days of March and September of each year, and both the principal of and the interest on said bonds shall be payable at First-Citizens Bank & Trust Company, in the City of Raleigh, North Carolina, or, at the option of the holder or registered owner, at First National City Bank, in the Borough of Manhattan, City and State of New York, in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts.

Section 3. This resolution, being a resolution directing

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $3,075,000 WATER BONDS, SERIES A" was passed by the following vote:

Yeas: Councilmen Eugene C. Ochsenreiter, Jr., Bill R. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, and Vice-Mayor Marshall.

Nays: None.

Thereupon Councilman Hoyle introduced the following resolution which was read:

RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF $3,900,000 BONDS TO BE ISSUED UNDER DATE OF MARCH 1, 1975, PROVIDING FOR THE REGISTRATION THEREOF, RATIFYING APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR THE ADVERTISEMENT AND SALE OF SAID BONDS AND RATIFYING ACTION OF LOCAL GOVERNMENT COMMISSION IN ASKING FOR SEALED BIDS FOR SAID BONDS

BE IT RESOLVED by the City Council of the City of Asheville:

Section 1. The $825,000 Parking Bonds and $3,075,000 Water Bonds, Series A, to be issued under date of March 1, 1975 shall be executed with the facsimile signatures of the Mayor and the City Clerk and a facsimile of the corporate seal of said City shall be printed on the bonds, and the interest coupons to be attached to said bonds shall be executed with the facsimile signature of said City Clerk. Said bonds and coupons and the endorsements to be printed upon the reverse of said bonds shall be in substantially the following forms:

(c) That the maximum period of usefulness of the enlargements and extensions of the waterworks system of said City to be constructed pursuant to said order is estimated as a period of forty years from March 1, 1975, the date of the bonds authorized hereby, and that such period expires on March 1, 2015.

Section 2. For the purpose provided in said order, there shall be issued the negotiable coupon bonds of the City of Asheville in the aggregate principal amount of $3,075,000, designated "Water Bonds, Series A", dated March 1, 1975 and consisting of 615 bonds of the denomination of $5,000 each, numbered 1 to 615, inclusive. Said bonds shall mature annually, March 1, in numerical order, lowest numbers first, $150,000 1976, $50,000 1977 to 1980, inclusive, $100,000 1981 to 1986, inclusive, $125,000 1987, $150,000 1988 to 1990, inclusive, $200,000 1991 to 1997, inclusive, and $150,000 1998, without option of prior payment, and bear interest from their date at a rate or rates to be determined by the Local Government Commission at the time the bonds are sold, which interest to the mautirity thereof shall be payable semi-annually on the 1st days of March and September of each year, and both the principal of and the interest on said bonds shall be payable at First-Citizens Bank & Trust Company, in the City of Raleigh, North Carolina, or, at the option of the holder or registered owner, at First National City Bank, in the Borough of Manhattan, City and State of New York, in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts.

Section 3. This resolution, being a resolution directing administrative action, shall take effect immediately.

Approved as to form:

William C. Moore
Corporation Counsel

Richard A. Wood, Jr.
Mayor

William F. Wolcott, Jr.
City Clerk

This bond is one of a series issued by said City for the purpose of .....
.....
and this bond is issued pursuant to and in full compliance with The Local Government Bond Act, as amended, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina, an order which [insert in the Parking Bonds the words "order has taken effect," and in the Water Bonds, Series A the words "was approved by the vote of a majority of the qualified voters of said City who voted thereon at a referendum duly called and held,"] and resolutions duly passed by the City Council of said City.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this bond have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within said City sufficient to pay the principal of and the interest on this bond as the same shall become due; and that the total indebtedness of said City, including this bond [insert in the Parking Bonds the words "and all other indebtedness heretofore incurred in the fiscal year in which the indebtedness evidenced by this bond was incurred"], does not exceed any constitutional or statutory limitation thereon.

This bond may be registered as to principal only in accordance with the provisions endorsed hereon.

IN WITNESS WHEREOF, said City of Asheville, by order of its City Council, has caused this bond to be executed with the facsimile signatures of its Mayor and its City Clerk and a

No. ____ $5,000

United States of America
State of North Carolina
County of Buncombe

CITY OF ASHEVILLE

..... Bond .....

The City of Asheville, a municipal corporation in Buncombe County, North Carolina, is justly indebted and for value received

hereby promises to pay to the bearer or, if this bond be registered, to the registered owner hereof, on the 1st day of March, 19__, the principal sum of

FIVE THOUSAND DOLLARS

and to pay interest thereon from the date hereof at the rate of _____ per centum (_____%) per annum until payment of such principal sum, such interest to the maturity hereof being payable semi-annually on the 1st days of March and September of each year upon the presentation and surrender of the coupons representing such interest as the same respectively become due. Both the principal of and the interest on this bond are payable at First-Citizens Bank & Trust Company, in the City of Raleigh, North Carolina, or, at the option of the holder or registered owner, at First National City Bank, in the Borough of Manhattan, City and State of New York, in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts. For the prompt payment hereof, both principal and interest as the same shall become due, the full faith and credit of said City of Asheville are hereby irrevocably pledged.

tration of transfer to be made on such Bond Register and endorsed hereon by the Bond Registrar. Such registration of transfer may be to bearer and thereby transferability by delivery shall be restored, but this bond shall again be subject to successive registrations and registrations of transfer as before. The principal of this bond, if registered, unless registered to bearer, shall be payable only to or upon the order of the registered owner or his legal representative. Notwithstanding the registration of this bond as to principal only, the coupons shall remain payable to bearer and shall continue to be transferable by delivery.

Date of Registration	Name of Registered Owner	Signature of Bond Registrar
.....	.....	.....
.....	.....	.....
.....	.....	.....

(Form of coupons)

No. ____ $_____

On _____ 1, 19__, the City of Asheville, a municipal corporation in Buncombe County, North Carolina, will pay to bearer at First-Citizens Bank & Trust Company, in the City of Raleigh, North Carolina, or, at the option of the bearer, at First National City Bank, in the Borough of Manhattan, City and State of New York, upon the presentation and surrender hereof, the sum of _____ _____ Dollars in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts, as provided in and for the semi-annual interest then due upon its ..... Bond, ..., dated March 1, 1975, numbered ____.

facsimile of the corporate seal of said City to be printed hereon, and has caused the interest coupons attached hereto to be executed with the facsimile signature of said City Clerk, all as of the 1st day of March, 1975.

Approved as to form:

[Facsimile signature]
Corporation Counsel

[Facsimile signature]
Mayor

[Facsimile signature]
City Clerk

(Endorsements on bonds)

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within bond has been approved under the provisions of The Local Government Bond Act of North Carolina.

H. E. BOYLES
Secretary, Local Government Commission

By: [Manual signature]
Designated Assistant

PROVISIONS FOR REGISTRATION

This bond may be registered as to principal only in the Bond Register of the City of Asheville by the Director of Finance of said City as Bond Registrar, at his office in the City of Asheville, or by such other Bond Registrar as may be legally appointed by the governing body of said City, upon presentation hereof to the Bond Registrar who shall make notation of such registration in the registration blank below, and the transfer of this bond may thereafter be registered only upon a duly executed assignment of the registered owner or his attorney or legal representative, in such form as shall be satisfactory to the Bond Registrar, such regis-

 Approved as to form:

William C. Moore
Corporation Counsel

Upon motion of Councilman Boyle, seconded by Councilman Ochsenreiter, the foregoing resolution entitled: "RESOLUTION FIXING THE FORM AND MANNER OF EXECUTION OF $3,900,000 BONDS TO BE ISSUED UNDER DATE OF MARCH 1, 1975, PROVIDING FOR THE REGISTRATION THEREOF, RATIFYING APPLICATION TO LOCAL GOVERNMENT COMMISSION FOR THE ADVERTISEMENT AND SALE OF SAID BONDS AND RATIFYING ACTION OF LOCAL GOVERNMENT COMMISSION IN ASKING FOR SEALED BIDS FOR SAID BONDS" was passed by the following vote:

Yeas: Councilmen Eugene C. Ochsenreiter, Jr. Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, and Vice-Mayor Marshall.

Nays: None.

Thereupon Councilman Horton introduced the following resolution which was read:

RESOLUTION AUTHORIZING THE PRINTING OF THE LEGAL OPINION ON THE $3,900,000 BONDS TO BE ISSUED UNDER DATE OF MARCH 1, 1975.

BE IT RESOLVED by the City Council of the City of Asheville:

Section 1. There shall be printed on the reverse of each of the $825,000 Parking Bonds and $3,075,000 Water Bonds to be issued by said City under date of March 1, 1975, the legal opinion of Mitchell, Petty & Shetterly, bond counsel to the City of Asheville, with respect to the validity of said bonds, and that there shall be printed immediately following such legal opinion a certificate executed with the facsimile signature of the Mayor of the City of Asheville, said certificate to be in substantially the following form:

Section 2. The dotted line in the foregoing bond form following the words "for the purpose of" shall be filled out as follows:

> In the bonds designated "Water Bonds, Series A", there shall be inserted the words "providing funds, with any other available funds, for improving, reconstructing, enlarging and extending the waterworks system of said City".
>
> In the bonds designated "Parking Bonds", there shall be inserted the words "providing funds, with any other available funds, for constructing and equipping a structure for off-street parking in said City".

Section 3. Said bonds shall be registrable as to principal only in accordance with the provisions for registration hereinabove in this resolution provided to be endorsed upon said bonds, and the Director of Finance is hereby appointed Bond Registrar for the registration and registration of transfer of said bonds, subject to the right of the governing body of the City of Asheville hereafter to appoint another Bond Registrar. No charge shall be made to any bondholder for the privilege of registration and registration of transfer herein granted.

Section 4. The action of the _____ in applying to the Local Government Commission to advertise and sell said bonds and the action of the Local Government Commission in asking for sealed bids for said bonds by publishing sale notices and printing and distributing circulars are hereby ratified and confirmed.

Section 5. This resolution, being a resolution directing administrative action, shall take effect immediately.

Richard A. Wood, Jr.
Mayor

William P. Wolcott, Jr.
City Clerk

ORDINANCE NO. 322 - AN ORDINANCE AMENDING ORDINANCE NO. 322, AS AMENDED "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE"

2. Consideration was given to the third reading of Ordinance No. 833, an ordinance amending Ordinance No. 322, as amended "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE".

Mayor Wood asked Verl Emrick, Director of Planning, to review the requests for amendments which had been received in the past two weeks.

Mr. Emrick said, the criterion utilized in determining the overall merits of each request are as follows:

1. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories;

2. There is convincing demonstration that all uses permitted under the proposed zoning district classification would be in the general public interest and not merely in the interest of an individual or small group;

3. There is convincing demonstration that all uses permitted under the proposed zoning district would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved);

4. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change; and

5. The proposed change is in accord with the Comprehensive Development Plan of the City of Asheville and sound planning principles.

The first request to be considered was that of the residents in the South Biltmore area to zone the residential property south of Shiloh Road R-2 rather than the proposed R-3.

Mr. Emrick stated that it was the planning staff's recommendation to approve the request for the following reasons:

1) At least sixty percent (60%) of all residential lots within the area can conform to the minimum lot size requirement; and

2) The character of the neighborhood is attempting to stabilize and it is our opinion, as well as those residing in the area, that this zoning along with their self-imposed deed restrictions will achieve this end.

After discussion, Councilman Colton moved to accept the recommendation of the planning staff and zone that property south of Shiloh Road to the railroad overpass R-2 rather than the proposed R-3. This motion was seconded by Councilman Morris and on a roll call vote of 6-0, the amendment carried.

I HEREBY CERTIFY that the foregoing is a true and correct copy of the legal opinion on the bonds therein described which was manually signed by Mitchell, Petty & Shetterly, New York, N. Y., and was dated as of the date of delivery of and payment for said bonds.

(Facsimile signature)
Mayor of
City of Asheville, North Carolina

Section 2. This resolution, being a resolution directing administrative action, shall take effect immediately.

Richard A. Wood, Jr.
Mayor

William P. Wolcott, Jr.
City Clerk

Approved as to form:

William C. Moore
Corporation Counsel

Upon motion of Councilman Horton, seconded by Vice-Mayor Marshall, and unanimously carried, the foregoing resolution entitled: "RESOLUTION AUTHORIZING THE PRINTING OF THE LEGAL OPINION ON THE $3,900,000 BONDS TO BE ISSUED UNDER DATE OF MARCH 1, 1975" was passed by the following vote:

Yeas: Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Ralph D. Morris, Jr., Henry E. Colton, and Vice-Mayor Marshall.

Nays: None.

Thereupon the foregoing resolutions were authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolutions his approval as to the form thereof.

Mr. Jim Grey requested that consideration be given to rezoning Mr. Harold Thoms property R-1. (Property located near Town Mountain Road).

Mr. Jack Doloboff, speaking on behalf of Mr. Sternberg, told Council that he favored the request stating that a possible agreement could be worked out with the Sunset Association.

Mayor Wood asked if any member of Council wished to make a motion on Mr. Sternberg's request to zone the property R-4 or a motion to zone the property R-1 as suggested by the Grove Park Sunset Citizens Association.

In the absence of a motion from Council, the requests were denied and the property would remained zoned R-2.

The next requests to be considered was that of Mr. Jerry Sternberg and Mr. Charles Harrell to zone (Ward 13, (Biltmore), Sheet 22, Lot 52, Sheet 44, Lots 14 and 15, Sheet 32, Lots 10, 11, 14, 15, 16, 18, 19 and 20) and that of Mr. Fred Pearlman to zone Ward 12 (Biltmore) Sheet 22, Lots 54-69 and Sheet 23, Lots 184 and 185 to Light Industrial instead of the proposed R-2 and R-3. (Area located in the vicinity of Rock Hill and Sweeten Creek Roads)

Mr. Emrick stated that it was the planning staff's recommendation to deny the request for the following reasons:

1. Existing sanitary sewer and water facilities are inadequate to serve industrial development of this property;

2. Existing road access to this property is also inadequate to accommodate the types and volumes of traffic generated by industrial facilities. (Inadequate streets which provide access to the property are: (a) Rock Hill Road, (b) Millers Lane, (c) Old Chapel Road, (d) West Chapel Road, and (e) Busbee View Road); and

3. To rezone this property for speculative purposes is in staffs' opinion diametrically opposed to sound land planning principals.

After a lengthy discussion relative to the proposed uses for the property, Mayor Wood requested that the planning staff make a further study of the property with a view of extending the Light Industrial zone southward from Sweeten Creek Industrial Park to include the property in question. He requested that this recommendation be given to Council at next week's meeting.

COUNCIL - RECESS FIVE (5) MINUTES

Mayor Wood called for a recess of five (5) minutes at 5:00 o'clock p. m.

Vice-Mayor Marshall was excused from the meeting at 5:00 o'clock p. m.

Council reconvened at 5:05 o'clock p. m.

The next request to be considered was that of Mr. Charles Harrell to zone property on Shelburne Road (Ward 5, Sheet 16, Lots 2-1/2 and 2-3/4) R-3 instead of the proposed R-2.

Mr. Emrick stated that it was the planning staff's recommendation to deny the request for the following reason:

The next request to be considered was that of Mrs. George Coggins to zone from the top of Beaucather Mountain to the intersection of Town Mountain and Vance Gap Roads R-1 instead of the proposed R-2 zoning.

Mr. Emrick stated that it was the planning staff's recommendation to approve the request for the following reasons:

1. The property is presently zoned RA-9 Residential District which supports low density types of development; and

2. Approximately seventy percent (70%) of the property within the area in question will conform to the requirements set forth in the R-1 District.

After discussion, Councilman Ochsenreiter moved to accept the recommendation of the Planning staff and zone from the top of Beaucatcher Mountain to the intersection of Town Mountain and Vance Gap Roads R-1 instead of the proposed R-2 zoning. This motion was seconded by Councilman Colton and on a roll call vote of 6-0, the amendment carried.

The next request to be considered was that of Mr. Jerry Sternberg to zone property in the Town Mountain Road area (Ward 2, Sheet 13, Lots 85, 5, 5-1/4, 5-1/2, and 63- Ward 10 (Haw Creek), Sheet 26, Lots 29, 30, 39, 43, and 49) R-4 instead of the proposed R-2.

Mr. Emrick stated that it was the planning staff's recommendation to deny the request for the following reasons:

1. The request could possibly be spot zoning and as such illegal;

2. The proposed zoning plan and the adopted land use plan indicate that in order to preserve the character of the area in question the density levels should be kept low. (R-2 dictates 10 DU's/acre and R-4 dictates 65 DU's/acre);

3. The majority of uses allowed in a R-4 district are incompatible with the surrounding neighborhoods. (Example of uses - mobile home parks, incidental retail shops, boarding houses, etc.); and

4. Sufficient sanitary sewer facilities are not available in the area to support the densities allowed in R-4.

Mr. Robert Riddle, attorney for Mr. Jerry Sternberg, presented arguments in support of the request.

Mr. Mack Day, Vice-President of the Grove Park Sunset Citizens Association, presented a petition in opposition to Mr. Sternberg's request. The petition stated that the association "requests that the petition to rezone the property commonly known as "Seely's Castle" now owned by Jerry Sternberg from the proposed R-2 classification to R-4 be denied and further that the Council change the proposed R-2 classification for "Seely's Castle" to R-1 in order to conform to the predominant zoning classification of the surrounding area."

Mrs. George Coggins and Dr. Alex Maitland also spoke in opposition to the request.

The next request to be considered was that of Mr. Robert P. Ingle to zone property off of Brevard Road (Ward 15, (Lower Hominy), Sheet 16, Lots 3, 3-1/2, 10 and 12) Commercial Highway District instead of the proposed R-3 zoning.

Mr. Emrick stated that it was the planning staff's recommendation to deny the request until the following condition could be satisfied:

1. Access to Property

   At the present time the only access to the property is from Bear Creek Road which is a two-lane facility serving the residential area to the west of the property. Until access can be upgraded to handle the volume of traffic generated by either a shopping center or motel complex, it is recommended that the proposed zoning remain as is.

Mr. Herbert Wallace, attorney for Mr. Robert P. Ingle, presented argument in favor of the request. He said it would be his opinion that his client could meet the conditions suggested by the Planning Staff.

After discussion relative to the proposed uses for the property, Councilman Colton suggested that action on this request be postponed until next week.

Councilman Hoyle was excused from the meeting at 5:40 o'clock p. m.

Mr. Rick Coleman, of R. L. Coleman Company, requested an amendment to Section 30-3-11 "Regulations of Off-Street Parking and Loading" Subsection (G) relative to parking requirements for "retail stores selling clothing, variety merchandise, etc". His request was to amend the section to read "one (1) space for each two hundred (200) square feet of gross floor area" and also the same amendment be applied to "other retail trades or services".

Mr. Emrick stated it would be the planning staff's recommendation to have one (1) space for each two hundred ten (210) square feet which would allow for walkways, etc. in the Mall areas.

After discussion, Mayor Wood requested the Planning Staff to draft a revision to this section allowing for one (1) space for each (200) square feet, and excluding walkways and mall areas and also to provide separate language in the ordinance to clarify the parking requirements for different types of businesses within a mall.

Mr. Harry Wright, manager of Belk's Department Store at the Asheville Mall, requested that the planning staff investigate the validity of requiring one (1) loading berth for every 20,000 square feet of floor area. He said this requirement would impose a hardship on their operation as an expansion was underway.

Mayor Wood requested the Planning Staff to investigate Mr. Wright's request.

The next request to be considered was that of Mr. Paul Rifkin to zone a lot on North Louisiana Avenue (Ward 12, Sheet 5, Lot 76) to Commercial Highway instead of the proposed R-3.

Mr. Emrick stated that it was the planning staff's recommendation to deny the request for the following reason:

(1) The property is located in an existing RA-8 Residential Area which has been incorporated into the R-2 Low Density Residential District. It is felt that the character of the area will be diminished if the is zoned to R-3. The R-3 zoning would permit higher density uses which presently do not exist in this area.

Mr. Charles Harrell withdrew his request.

The next request to be considered was that of Mr. Durward Johnson to zone (Ward 8, Sheet 10, Lots 57 and 58-1/2, Sheet 11, Lot 52) Commercial Highway instead of the proposed R-3.

Mr. Emrick stated that it was the planning staff's recommendation to deny the request for the following reasons:

1. Both Council and the Planning and Zoning Commission have reviewed similar requests for rezoning these lots and others in the immediate area on three different occasions and denied the request in each case. Reference Files 74-4, 72-6 and 64-20.

2. Access to the property by White Pine Drive is limited due to inadequate sight distances, narrow lanes, high traffic volumes, and inadequate stacking distance from Brackettown Road.

3. The topography tends to separate the lot in question from the commercial strip fronting on Tunnel Road and relates it more favorably to the contiguous residential development; and

4. The development of this lot for commercial purposes would further encroach upon an established residential area and erode the buffering presently existing between it and Tunnel Road' s commercial strip.

Mr. Anthony Redmond, attorney for Mr. Durward Johnson, presented arguments in favor of the request.

After a lengthy discussion relative to the proposed uses for the property Mayor Wood asked if there was a motion from Council to grant the request.

In the absence of a motion, the request was denied and the property would remain zoned R-3.

The next request to be considered was that of Mr. C. Hugh Boulden to zone property off of Leicester Highway (Ward 6, Sheet 18, Lots 163 and Ward 12, Sheet 7, Lot 162) Commercial Service District instead of the proposed R-2 and R-3 zoning.

Mr. Emrick stated that it was the planning staff's recommendation to approve the request for the following reasons:

1. The property is contiguous with other property proposed to be zoned Commercial Service; and

2. The property is located in an area where a commercial use will be compatible with existing uses in the neighborhood.

Councilman Horton moved to accept the recommendation of the Planning Staff and zone (Ward 6, Sheet 18, Lots 163 and Ward 12, Sheet 7, Lot 162) Commercial Service District instead of the proposed R-2 and R-3. This motion was seconded by Councilman Hoyle and on a roll call vote of 6-0, the amendment carried.

3. That the developer meet with the appropriate city officials to negotiate improvements to Edgewood Road and Westall Drive.

Councilman Morris moved to set a public hearing for the site plan of the proposed Red Cross Building for March 6, 1975. This motion was seconded by Councilman Horton and carried unanimously.

GROUP DEVELOPMENT - HEALTH-EDUCATION CENTER - PUBLIC HEARING SET

The Assistant City Manager read a letter from the Planning and Zoning Commission relative to the approval of a site plan of a proposed health-education center to span Biltmore Avenue in the vicinity of the St. Joseph's and Memorial Mission Hospital, prepared by Six Associates, Inc., architects, for Mountain Area Health Education Foundation, Inc., Developer.

Councilman Morris moved to set a public hearing for the proposed health-education center for March 6, 1975. This motion was seconded by Councilman Horton and carried unanimously.

RESOLUTION NO. 75-25 - RESOLUTION APPROVING THE SUBMISSION OF A REQUEST FOR ASSISTANCE UNDER THE UNITED STATES YOUTH CONSERVATION CORPS PROGRAM

The Assistant City Manager read a letter from Ray Kisiah, Director of Parks and Recreation, advising that the Asheville Parks and Recreation Advisory Board, at its regular monthly meeting on February 12, 1975, voted to recommend to Council that the Parks and Recreation Department enter into an agreement providing for the employing of twenty-two (22) youths between 15 and 18 years of age, for an eight week period, beginning June 8 and extending to August 15, 1975, in the program, known as the Youth Conservation Corps. This property would be financed on a 50-50 basis between the City of Asheville Parks and Recreation Department and the United States Government throught the Department of Interior and Agriculture . This program would be one of only two in the state and would provide for 30-hours of employment per week, with an additional 10-hours per week being spent in environmental education.

The Assistant City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, Resolution No. 75-25 was unanimously adopted.

Complete text of Resolution No. 75-25 will be found in Resolution Book No. 8 at page 75.

RESOLUTION NO. 75-26 - RESOLUTION AMENDING RESOLUTION NO. 74-158 ADOPTED ON OCTOBER 31, 1974 AND FURTHER AMENDED ON JANUARY 30,1975 ESTABLISHING REGULATIONS FOR THE OPERATION OF THE ASHEVILLE CIVIC CENTER

Consideration was given to a resolution amending Resolution No. 74-158 adopted on October 31, 1974 and further amended on January 30, 1975 establishing regulations for the operation of the Asheville Civic Center.

1. The property is situated directly adjacent to an established residential area (Knollwood Subdivision). Should the property be zoned for commercial usage, adverse effects could be brought upon the adjoining residential property. The lot in question provides a natural buffer between the residential property and commercial property to the north near Emma Road. For this reason, it is recommended that the property remain zoned for residential purposes.

Mr. Rifkin told Council that his property was virtually useless unless it is zoned from some type of business use and he felt his property should not be used as only as a buffer between a business and residential property.

Mayor Wood suggested that Council make an on-site inspection of the property and take action on this request at next weeks meeting.

Mr. B. L. Bullard again requested that "business and professional offices" be permitted as a conditional use in the R-3 District.

Mr. Emrick stated that it would be the planning staff's recommendation to deny this request.

Mayor Wood asked if any member of Council wished to make a motion granting Mr. Bullard's request.

In the absence of a motion, the request was denied.

Mr. Robert Riddle presented a suggested amendment to Section 30-4-4 by adding the following sentence "That in addition, City Council may upon application designate any existing structure located in any district as a landmark for a museum or other purposes and after such designation, said use shall be permitted."

Mayor Wood told Mr. Riddle that Council would take this suggested amendment under advisement.

Councilman Morris moved to amend Section 30-3-17 subsection E. by changing the words "Mobile Home" to"Travel Trailers" in the title and in subsection (1) and by adding the words "or side yard" to subsection (1). This motion was seconded by Councilman Ochsenreiter.

Mayor Wood requested the planning staff to review the language of the motion, and make recommendations to Council at next week's meeting.

Mayor Wood commented that the requests that had no action taken on at this meeting would be considered again at next week's meeting.

GROUP DEVELOPMENT - RED CROSS BUILDING - PUBLIC HEARING SET

The Assistant City Manager read a letter from the Planning and Zoning Commission relative to the approval of a site plan of a proposed Red Cross Building to be located off Merrimon Avenue between Edgewood Road and Westall Avenue, prepared by Six Associates, Inc., architects, for the Asheville Area Chapter, American National Red Cross. The recommended approval was subject to the following:

1. That the developer comply with the City of Asheville Erosion Control Ordinance.

2. That the developer comply with requirements of the Asheville Water and Sewer Department

Thursday - February 20, 1975 - 3:00 o'clock

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Bill B. Horton, J. W. Hoyle, Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/ City Clerk William F. Wolcott, Jr.

Absent: Councilman Ralph D. Morris, Jr.

1. Approval of minutes of February 20, 1975 meeting.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, the minutes of the February 20, 1975 meeting were approved as submitted.

RESOLUTION NO. 75-27 - RESOLUTION ENCOURAGING THE ASHEVILLE-BUNCOMBE COMMUNITY RELATIONS COUNCIL TO ESTABLISH COMMITTEES ON DISCRIMINATION

2. Consideration was given to a resolution encouraging the Asheville-Buncombe Community Relations Council to establish committees on discrimination.

The City Manager read the resolution and explained that the Buncombe County Board of Commissioners had passed a similar resolution on Tuesday of this week and that this resolution would establish new committees for the Asheville-Buncombe Community Relations Council.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Vice-Mayor Marshall, Resolution No. 75-27 was unanimously adopted.

Complete text of Resolution No. 75-27 will be found in Resclution Book No. 8 at page 77.

RESOLUTION NO. 75-28 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH LAND-OF-SKY REGIONAL COUNCIL FOR SERVICES TO BE PROVIDED UNDER THE NUTRITION PROGRAM FOR OLDER ADULTS

3. Consideration was given to a resolution authorizing the Mayor to enter into an agreement with Land-of-Sky Regional Council for services to be provided under the Nutrition Program for Older Adults.

The City Manager read the resolution and explained that funds had been appropriated in the current budget for this program.

Upon motion of Councilman Hoyle, seconded by Councilman Horton, Resolution No. 75-28 was unanimously adopted.

Complete text of Resolution No. 75-28 will be found in Resolution Book No. 8 at page 79.

The Assistant City Manager read the resolution and explained that in amending the regulations on two different occasions the following sentence was inadvertently left out, however, it was in the original regulations:

> "No one promoter shall be allowed more than two bookings for wrestling matches in any given calendar month, and no bookings shall be made more than 180 days in advance or less than 30 days in advance."

Upon motion of Councilman Colton, seconded by Councilman Horton, Resolution No. 75-26 was unanimously adopted.

Complete text of Resolution No. 75-26 will be found in Resolution Book No. 8 at page 76.

MAYOR'S REPORT - COMMUNITY DEVELOPMENT

Mayor Wood commented that he had appointed Councilman Morris and Ochsenreiter to a sub-committee concerning recommendations for the use of Federal Community Development funds. He said he felt that the sub-committee would be in a position to present their recommendations at next week's meeting.

At the suggestion of Mayor Wood, Councilman Ochsenreiter moved to schedule a special evening meeting for February 25, 1975 at 7:30 o'clock p. m. in the Council Chambers for the purpose fo hearing public comments on the Community Development recommendations by the sub-committee. This motion was seconded by Councilman Colton and carried unanimously.

PROCLAMATION - ENGINEERS WEEK - FEBRUARY 16-22

Mayor Wood proclaimed the week of February 16 - 22, 1975 as "Engineers Week" at the request of the WNC Chapter of the National Society of Professional Engineers.

IMPROVEMENTS TO McCORMICK FIELD

Councilman Ochsenreiter commented that recommendations for improvements to McCormick Field would possibly be on next week's agenda, which recommendations would include an agreement with the County participating in the improvements.

Adjournment.

Richard D. Wood, Jr.
MAYOR

William F. Moseley
CITY CLERK

a resolution authorizing this project and the expenditure of up to $8,000 and to also prepare an ordinance amending the operating budget, transferring the necessary funds from the Contingency funds to the General Fund. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

RESOLUTION NO. 75-31 - RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING AND RATIFYING THE EXECUTION OF AMENDMENT NO. 1 TO GRANT AGREEMENT FOR PROJECT NO. 8-37-0005-01 BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF ASHEVILLE, NORTH CAROLINA

7. Consideration was given to a resolution authorizing, adopting, approving, accepting, and ratifying the execution of Amendment No. 1 to Grant Agreement for Project No. 8-37-0005-01 between the United States of America and the City of Asheville, North Carolina.

The City Manager read the resolution and explained that this amendment was relative to the strengthening of the runways at the Asheville Airport.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, Resolution No. 75-31 was unanimously adopted.

Complete text of Resolution No. 75-31 will be found in Resolution Book No. 8 at page 82.

RESOLUTION NO. 75-32 - RESOLUTION AUTHORIZING, ADOPTING, APPROVING, ACCEPTING, AND RATIFYING THE EXECUTION OF AMENDMENT NO. 1 TO GRANT AGREEMENT FOR PROJECT NO. 8-37-0005-02 BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF ASHEVILLE, NORTH CAROLINA

8. Consideration was given to a resolution authorizing, adopting, approving, accepting, and ratifying the execution of Amendment No. 1 to Grant Agreement for Project No. 8-37-0005-02 between the United States of America and the City of Asheville, North Carolina.

The City Manager read the resolution and explained that this amendment was relative to the fencing and the purchasing of fire equipment for the Asheville Airport.

Upon motion of Councilman Colton, seconded by Councilman Horton, Resolution No. 75-32 was unanimously adopted.

Complete text of Resolution No. 75-32 will be found in Resolution Book No. 8 at page 83.

ORDINANCE NO. 322, AS AMENDED - AN ORDINANCE AMENDING ORDINANCE NO. 322, AS AMENDED. "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE"

9. Consideration was given to the third and final reading of Ordinance No. 322, as amended, an ordinance amending Ordinance No. 322, as amended, "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE".

Mayor Wood advised that several requests from last week's meeting were held over and would be considered at this time.

The first request to be reconsidered was that of Mr. Robert P. Ingle to zone property off of Brevard Road (Ward 15, (Lower Hominy), Sheet 16, Lots 3, 3-1/2, 10 and 12) Commercial Highway District instead of the proposed R-3 zoning.

RESOLUTION NO. 75-29 - RESOLUTION OF APPRECIATION TO MEMBERS OF THE METROPOLITAN PLANNING BOARD

4. Consideration was given to a resolution of appreciation to members of the Metropolitan Planning Board.

The City Manager read the resolution and explained that this was a joint resolution with the Buncombe County Board of Commissioners.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Ochsenreiter, Resolution No. 75-29 was unanimously adopted.

Complete text of Resolution No. 75-29 will be found in Resolution Book No. 8 at page 80.

RESOLUTION NO. 75-30 - RESOLUTION REQUESTING A WAIVER OF HEALTH, EDUCATION AND WELFARE OF GUIDELINES IN THE ESTABLISHMENT OF A NEW HEALTH SERVICE PLANNING AREA

5. Consideration was given to a resolution requesting a waiver of Health, Education and Welfare of guidelines in the establishment of a new Health Service Planning area.

The City Manager read the resolution.

Mr. Michalove, Assistant City Manager, commented that under the present guidelines there is a requirement that there be a minimum population of 500,000 and without a waiver of this requirement Western North Carolina would be classified in the same district Charlotte-Mecklenburg. He said there are different problems in the mountainous area and that Western North Carolina should not have to compete with larger areas in receiving these funds.

Mayor Wood's comment was to the effect that Region B was also taking similar action and that he recommended its approval.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, Resolution No. 75-30 was unanimously adopted.

Complete text of Resolution No. 75-30 will be found in Resolution Book No. 8 at page 81.

Mayor Wood directed the City Clerk to forward a copy of the resolution to the Governor of the State of North Carolina and also to the Chairman of the Buncombe County Commissioners.

IMPROVEMENTS TO McCORMICK FIELD

6. The City Manager read a letter from the Asheville Parks and Recreation Advisory Board, recommending that the City of Asheville through its Parks and Recreation Department, and in cooperation with the Asheville Orioles and Buncombe County, provide a new dressing room facility at McCormick Field.

Councilman Ochsenreiter advised that the County had agreed to participate on a 50-50 basis toward the construction and equipping of a new dressing room, up to $8,000 and would also provide manpower for construction through the Emergency Manpower Program.

Councilman Ochsenreiter then moved to instruct the City Manager to prepare

Mr. Emrick reviewed that at last week's meeting Councilman Morris had moved to amend Section 30-3-17 subsection E by changing the words "mobile home" to "travel trailers" in the title and in paragraph (1) and by adding the words "or side yard" to paragraph (1). He said, as instructed, the planning staff reviewed the language of the motion and as a result the following proposed amendment was presented:

Page 45
Camper Trailers, Mobile Homes, Motor Homes, Travel Trailers, and Boats with Trailers

Paragraph 1.

One (1) unoccupied camper trailer, motor home, or travel trailer may be parked or located in an accessory private garage building or in a rear or side yard of an occupied dwelling provided no living quarters shall be maintained or any business practiced in said unit while it is so parked or located or stored. Neither shall the unit be attached to or serviced by any domestic utility, public or private.

Paragraph 2.

Words Travel Trailer added

Paragraph 3.

A boat with trailer may be parked or located in an accessory private garage building or in a side or rear yard of an occupied dwelling.

After discussion, Councilman Colton moved to accept all of the recommendations of the planning staff and to further amend the ordinance by changing paragraph 2 to allow a mobile home to be temporarily parked or located, occupied or unoccupied, within the boundaries of the districts zoned as CH Commercial Highway, LI Light Industrial and HI Heavy Industrial, for a period not exceeding six months, providing a special permit is obtained from and issued by the Building Inspector of the City of Asheville prior to the parking or location of said Mobile Home. This motion was seconded by Councilman Ochsenreiter and on a roll call vote of 5-0, the amendment carried.

Mr. Emrick reviewed that at last week's meeting Mr. Robert Riddle presented a suggested amendment to Section 30-4-4 by adding the following sentence "That in addition, City Council may upon application designate any existing structure located in any district as a landmark for a museum or other purposes and after such designation, said use shall be permitted."

Emrick said that in the planning staff's opinion this request should be denied. He said their opinion is based upon the requirements stated in G. S. 160A, Art. 19, parts 3A and 3B. This opinion is concurred by the Corporation Counsel. These statutes set forth the following criteria and procedures before the intent of Mr. Riddle's suggestion can be accomplished.

Historic Properties Commission - Criteria for Designation

1. City must appoint or designate a commission (may be local planning board) of at least three (3) members with length of term being no more than four (4) years.

2. At least two (2) members of the commission shall have demonstrated special interest, experience, or education in history or architecture.

Mr. Herbert Wallace, attorney for Mr. Ingle, stated that he had contacted his client and the North Carolina Department of Transportation relative to the access to the property for commercial purposes. He said the State had a 50 ft. right of way on each side of the road at this location and was informed that any developer of the land would have to comply with State regulations for access to the property. He also said that his client would dedicate any portion of his property necessary for ingress and egress.

After discussion, Councilman Colton moved to grant Mr. Ingle's request and zone his property off of Brevard Road identified as Ward 15, (Lower Hominy), Sheet 16, Lots 3, 3-1/2, 10 and 12 Commercial Highway District and in addition to zone the following Commercial Highway District: Ward 15 (Lower Hominy), Sheet 39, Lots 1, 2, 3, 4, 4-1/4, 4-1/2, 5, 6, 7, 8, 8-1/4, 9, 9-1/2, 40 and Ward 15 (Lower Hominy) Sheet 17, Lots 23, 23-1/4, 23-1/2, 24, 25, 15-1/4, 26, 26-1/4, 27, 27-1/4, 28, 28-1/4, 28-1/2, 28-3/4, 29, 29-1/4, 29-1/2, 29-3/4. This motion was seconded by Vice-Mayor Marshall and on a roll call vote of 5-0, the amendment carried.

Mr. Emrick reviewed the request of the R. L. Coleman Company, et. al. suggesting an amendment to Section 30-3-11 "Regulations of Off-Street Parking and Loading" Subsection (G) relative to parking requirements for retail stores selling clothing, variety merchandise, etc." and Mr. Harry Wright of Belk's Department Store at the Asheville Mall had requested an investigation of the validity of requiring one (1) loading berth for every 20,000 square feet of floor area. He said, as instructed by Council, a review was made by the planning staff and the following proposed working amendments were suggested:

Page 19
Off-Street Parking Requirements
"One (1) space for each two hundred (200) square feet of retail floor area."

Page 21
Off-Street Loading Requirements
"one (1) loading berth for every 20,000 square feet of floor area. (In multiple story buildings, requirement applies to first floor only).

Mr. Rick Coleman questioned Council as to what interpretation would be made from the ordinance relative to additional space being added to a group development in regards to the off-street parking requirements.

It was the interpretation of Verl Emrick, Planning Director, and J. E. Johnson, Building Inspector, that the off-street parking requirements would be calculated only on the additions since off-street parking requirements would have already been fulfilled for the permanent structure at the time of its construction.

Councilman Ochsenreiter moved to accept the recommendation of the planning staff and to amend the ordinance on page 19 relative to off-street parking requirements for "retail stores" to read as follows: "One (1) space for each two hundred (200) square feet of retail floor area." This motion was seconded by Councilman Colton, and on a roll call vote of 5-0, the amendment carried.

Councilman Horton moved to accept the recommendation of the planning staff and amend the ordinance on page 21 relative to off-street loading requirements for retail operations to read as follows: "One (1) loading berth for every 20,000 square feet of floor area. (In multiple story buildings, requirement applies to first floor only.) This motion was seconded by Vice-Mayor Marshall and on a roll call vote of 5-0, the amendment carried.

Mr. Emrick then read a petition which he had received from property owners of Sunset Mountain and members of the Grove Park Sunset Citizens Association which stated "that they joined in the petition of Mr. and Mrs. Ben Jones, and requested that the respective properties of the undersigned property owners be zoned R-1 and further petition that all properties on Town Mountain Road lying within the City Limits of the City of Asheville be zoned R-1 Single Family Residential District to and including the Tiara Apartment property lying within the City.

Emrick said it would be the planning staff's recommendation to deny this request due to this placing the Tiara Apartment property into a non-conforming use.

Mr. Mack Day, of the Grove Park Sunset Citizens Association, presented arguments for the request stating that the Association was making the request in order to conform to the predominant zoning classification of the surrounding area.

Mr. Brainard Roison, owner of the property across from the Tiara Apartments, commented that when the apartments were built some 10 or 12 years ago considerable pressure was placed on a former Council not to allow the apartments to be built, when the developer requested that the property be rezoned in order the build the apartments.

Mr. Robert Riddle, attorney for WOB Enterprises, owners of the Tiara Apartments, and Mr. Jerry Sternberg,spoke in opposition to this request.

Mrs. Ben Jones stated that with her property being zoned R-1 and the Sternberg property adjoining her property, a few hundred feet apart, if Mr. Sternberg made a Commercial use of the property it would do her no good and create a traffic problem.

Mayor Wood advised Mrs. Jones that Mr. Sternberg could not make a Commercial use of the property even if it is zoned R-2.

Mrs. Jones said that she had misunderstood and thought that commercial uses could be made of the land.

Mr. Harold Bennett commented that extensive condominium use could be made of the property all along Town Mountain Road and under the R-2 District a developer could have 10 units per acre which would create a traffic problem and lower the values of the property.

At the request of Mayor Wood, Mr. Bennett repeated the request of the Grove Park Sunset Citizens Association stating that they requested that all properties on Town Mountain Road lying within the City Limits be zoned R-1 which included the Tiara Apartments and the Sternberg property lying within the City Limits.

Mayor Wood asked if any member of Council wished to make a motion granting the request of the Grove Park Sunset Citizens Association.

In the absence of a motion, the request was denied.

Mr. Emrick reviewed the request of Mr. Jerry Sternberg and Mr. Charles Harrell to zone the following property Light Industrial instead of the proposed R-2 and R-3:

Ward 13 (Biltmore), Sheet 22, Lot 52, Sheet 44, Lots 14 and 15, Sheet 32 Lots 10, 11, 14, 15, 16, 18, 19, and 20.

He also reviewed the request of Mr. Fred Pearlman to zone the following property Light Industrial instead of the proposed R-2 and R-3:

Required Procedures: Before designating any structure, site or area as historic, the commission must take the following steps:

1. Make an investigation and report on the historic, architectural, educational or cultural significance of the property or structure.

2. Must submit the above described report to the Department of Cultural Resources for review. (This may be waived if the Department of Cultural Resources does not review within sixty (60) days after submission.

3. Must hold public hearing with notice being published at least once in local newspaper. Written notice must be mailed to property owners.

4. Following public hearing, governing body may adopt, amend, or deny the proposal.

5. After adoption of Ordinance:

   a. Give written notice of historic designation to owner(s) and occupants of property.

   b. File one copy of ordinance with Register of Deeds.

   c. File one copy of Ordinance with City Clerk.

   d. File one copy with Building Inspector.

6. Notify tax supervisor of adoption of Ordinance.

Mr. Riddle commented that he felt some enabling language should be incorporated into the ordinance which would allow him to make an application to Council after following all the legal procedures spelled out in the General Statutes.

Mr. Harold Bennett, Grove Park Sunset Citizens Association, commented that the Association opposed this request.

Mr. Jack Doloboff, speaking on behalf of Mr. Jerry Sternberg, said that in order to get the highest and best use for the property this proposal should be approved.

Mayor Wood asked if any member of Council wished to make a motion granting Mr. Riddle's request.

In the absence of a motion, the request was denied.

Mr. Emrick stated that an additional request on Town Mountain Road had been received from Mr. Harold Thoms to zone Ward 2, Sheet 13, Lots 44, 3-1/2, and 71-1/4 and from Mrs. Ben Jones to zone Ward 8, Sheet 26, Lots 71 and 43-1/4 to R-1 instead of the proposed R-2. He said it would be the planning staff's recommendation to approve this request due to the zoning being contiguous on both sides of the property.

Councilman Colton moved to accept the recommendation of the planning staff and zone Ward 2, Sheet 13, Lots 44, 3-1/2, and 71-1/4 and Ward 8, Sheet 26, Lot 71 and 43-1/4 to R-1 instead of the proposed R-2. This motion was seconded by Councilman Horton and on a roll call vote of 5-0, the amendment carried.

Mr. Harrell also read a letter from Philip R. Elam, Manager, Economic Development Department of the Chamber of Commerce recommending the property for industrial uses.

Councilman Colton questioned whether this request would create spot zoning.

Upon inquiry, Corporation Counsel William Moore stated that in his opinion this request, if approved, would create spot zoning.

After a lengthy discussion, Vice-Mayor Marshall moved to zone the property of Sternberg and Harrell (Ward 13 (Biltmore) Sheet 22, Lot 52; Sheet 44, Lots 14 and 15; Sheet 32, Lots 10, 11, 14, 14, 16, 18, 19 and 20) and Pearlman's property (Ward 13 (Biltmore) Sheet 22, Lots 54-69; Sheet 23, Lots 184 and 185) to Light Industrial instead of the proposed R-2 and R-3. This motion was seconded by Councilman Hoyle and on a roll call vote of 5-0, the amendment carried.

Mr. Emrick reviewed the request of Mr. George Coggins to zone the following property Commercial Highway instead of the proposed R-3:

Ward 6, Sheet 2, Lots 51-1/2, 60, 61, 62, 63, 64, 65, 135, 136, 137, 137-1/2, 152, 159 and 160.

Mr. Emrick stated that it would be the planning staff's recommendation to approve the request with an additional recommendation, in order to avoid spot zoning, that Ward 6, Sheet 2, Lots 131, 132, 133, 133-1/4, and 134; Ward 6, Sheet 4, Lots 4-20, 140-158 be included in the Commercial Highway District, if Council approved the request of Mr. George Coggins.

During the discussion it was determined that if the request was granted as proposed, several businesses in the area would be placed into a non-conforming use.

After discussion, it was the consensus of Council that this property would be best suited for a Light Industrial zone.

Vice-Mayor Marshall moved to zone Ward 6, Sheet 2, Lots 51-1/2, 60, 61, 62, 63, 64, 65, 135, 136, 137, 137-1/2, 152, 159 and 160 and also Ward 6, Sheet 2, Lots 131, 132, 133, 133-1/4, and 134; Ward 6, Sheet 4, Lots 4-20, 140-158, to Light Industrial instead of the proposed R-3. This motion was seconded by Councilman Hoyle and on a roll call vote of 5-0, the amendment carried.

Mr. Emrick reviewed the request of Mr. Paul Rifkin to zone the following property to Commercial Highway instead of the proposed R-3.

Ward 12, Sheet 5, Lot 76 (North Louisiana Avenue)

Mr. Emrick stated that it was the planning staff's recommendation to deny the request for the following reason:

(1) The proposed CH boundary extends southward from Emma Road to include those existing commercial uses on North Louisiana Avenue. In the area between the proposed CH boundary line and the Rifkin property is an occupied single family dwelling and a mobile home park (11 mobile homes). To avoid a spot zoning situation, the CH boundary line would have to be extended to include the above residential property in order to zone the lot in question for commercial purposes. Even though mobile home parks are nonconforming in both R-3 and CH districts, they are residential areas and should be treated as such. To place this residential property between two commercial uses is not, in the staffs' opinion, good zoning

Ward 13 (Biltmore), Sheet 22, Lots 54-69, Sheet 23, Lots 184 and 185.

He said the planning staff's recommendation would be to deny the request for the following reasons:

(1) Existing sanitary sewer and water facilities are inadequate to serve industrial development of this property.

(2) Existing road access to this property is also inadequate to accommodate the types and volumes of traffic generated by industrial facilities. (Inadequate streets which provide access to the property are:
(a) Rock Hill Road,
(b) Millers Lane,
(c) Old Chapel Road,
(d) West Chapel Road, and
(e) Busbee View Road); and

(3) To rezone this property for speculative purposes is in staff's opinion diametrically opposed to sound land planning principals.

Mr. Charles Harrell presented the following reasons for requesting that the Sweeten Creek Park be zoned Light Industrial.

1. The land is hidden away from view and the topography will allow light industrial construction.

2. Access to the property is through three R/W (one 60' wide) and Fred Pearlman's property. We have agreed with him to work together.

3. Utilities for light industry are there. The proposed R-3 could require a vastly larger need for utilities than our proposal.

4. The present and past use of the general area are the Simpson Saw Mill, CP&L Warehouse, plants along Sweeten Creek Road and Alexander Industrial Park, as well as residential.

5. Joining Sweeten Creek Park with Alexander Industrial Park will have less potential problems than including the houses west toward Sweeten Creek Road, denying residential construction in that area would surely result in serious complaints.

6. The Asheville area needs land set aside for industrial use and this is a natural for zoned industrial use.

7. To wait and see how the area develops is the wrong course of action. Zoning is a vehicle to use in making sound judgments about an area and then trying to make things happen. We are certain that going from industrial to residential at a later date will be very easy, but going from residential to industrial is next to impossible.

8. Sincerely feel that the proposal is best for City and County, as well as the owners.

Mr. Harrell thanked Council for considering this request and asked that they make a judgment based on sound reasons.

Mayor Wood commended the staff, particularly Mr. Emrick, for an outstanding job done on the zoning ordinance. Councilman Colton added that he also commended the staff for a job well done.

COMMUNITY DEVELOPMENT

The City Manager presented recommendations of the sub-committee for the Community Development First Action Year Program and advised that a public hearing would be held on February 25, 1975 at 7:30 o'clock p. m. in the Council Chambers for the public to comment on the recommendations.

JOSEPH BELL - ZONING ORDINANCE

Mr. Joseph Bell, representing the Grove Park Sunset Citizens Association and who had attended most the zoning sessions, thanked the Planning and Zoning Commission and staff for the work in preparing the new zoning ordinance. He also added his thanks to Council for their efforts and patience in adopting the new ordinance.

Adjournment.

Richard A. Wood Jr.
MAYOR

William J. Bennett, Jr.
CITY CLERK

practice. For this reason, it is recommended that the property remain zoned for residential purposes.

After discussion it was the consensus of Council that if the Rifkin property was rezoned, the R-3 District north of the Rifkin property should be included to prevent spot zoning and to accomodate the changing land use.

Councilman Ochsenreiter moved to grant Mr. Rifkin's request and zone Ward 12, Sheet 5, Lot 76 Commercial Highway and in addition zone the proposed R-3 District north of the Rifkin property Commercial Highway. This motion was seconded by Vice-Mayor Marshall and on a roll call vote of 5-0, the amendment carried.

Mr. Emrick reviewed the request of Mr. Fred Pearlman to rezone the following property from proposed R-1 Residential District to R-2:

Ward 9 (Beaverdam), Sheet 30, Lots 5, 43, 44, 45, 56 and 58
Ward 11, Sheet 34, Lots 24-3/4, and 47
Ward 22, Sheet 36, Lot 1 (Reynold Mountain Property)

Exception to this request shall be any part of this area now lying within the City Limits of Asheville (may remain proposed R-1).

Mr. Emrick stated that it was the planning staff's recommendation to approve the request for the following reasons:

(1) The property is well suited for condominium development; and

(2) No existing residential areas would be affected by development of this type as the mountainous terrain provides natural buffering.

During the discussion it was suggested that in addition to granting Mr. Pearlman's request that the proposed R-2 zone be extended from the Elk Mountain Scenic Highway to the westernmost boundary of the Asheville zoning jurisdiction (line abutting Woodfin one mile jurisdiction).

After discussion, it was the consensus of Council to zone only that property owned by Mr. Pearlman R-2 as well as that area of the one mile jurisdiction which abuts the Woodfin City Limits to R-2.

Councilman Colton moved to grant Mr. Pearlman's request to zone Ward 9, (Beaverdam), Sheet 30, Lots 5, 43, 44, 45, 56 and 58; Ward 11, Sheet 34, Lots 24-3/4 and 47; and Ward 22, Sheet 36, Lot 1 (Reynolds Mountain Property) R-2 and in addition to zone that area of the one mile jurisdiction which abuts the Woodfin City Limits R-2. This motion was seconded by Councilman Horton and on a roll call vote of 5-0, the amendment carried.

Mayor Wood noted, for information purposes, that Mr. John Shuford had requested that property on Hazel Mill Road, across from the Kemco Mfg. Company, be zoned to Commercial Highway instead of R-3. However, Mr. Shuford had not pursued his request.

Mayor Wood then called for a roll call vote on the third and final reading of the ordinance.

On a roll call vote of 5-0, Ordinance No. 322, as amended, was unanimously adopted.

Complete text of Ordinance No. 322, as amended will be found in Ordinance Book No. 6 at page 142.

Rev. Easom pointed out that Aston Park should be considered as a major recreation complex in that improvements would improve the whole downtown. He further stated that Montford Complex should be more than just for recreation.

Mrs. Jarrett explained that nothing was being proposed for the Burton Street area particularly the Center.

Mayor Wood advised that everything suggested could not be done the first year, and that the Parks and Recreation Department was already operating a program at Burton Street.

Mr. Ray Barr explained that he was happy that the Murphy-Oakley Park was being considered but that he wanted the citizens of the area involved in the detail of the plan. Also that additional acreage was available and that should be considered.

Mayor Wood explained that the staff would be meeting with citizens to develop the detailed budgets and plan.

Mrs. Knuckles, 222 Flint Street pointed out that there were no projects listed for the Washington Road and Madison Avenue area, particularly the recreation project that was recommended. She suggested that the special trash collection program be funded in some other way and Community Development funds should be used to do something for the people in the Washington Road and Madison Avenue area.

Mayor Wood pointed out that in the immediate proximity there was a summer recreation program at Claxton School and a new facility at Weaver Park.

Mr. Kisiah pointed out that Magnolia Park would be improved with a toilet facility and summer playground supervision.

Mayor Wood pointed out the importance of the Special Trash Collection Program and the immediate effect it would create in neighborhood pride.

Francis Owens explained that there was no recreation improvements in Shiloh. She expressed a desire to Council that this be considered in future years.

Mayor Wood explained that the $25,000 project called Shiloh Multi Purpose Center was to be a cooperative arrangement between the Opportunity Corporation and the Parks and Recreation Department, that there was just so much that could be done the first year and that the Shiloh area had received other funding for water and sewer improvements and general rehabilitation of the area.

Rev. Ray expressed an interest in the Montford Recreation Center Complex and a desire that the service would be multi purpose and for all ages. He expressed a concern that people be helped by staff in the relocation process as land was acquired by the Complex.

Dennis Young, 37 Jefferess Avenue, inquired as to why taxes have not paid for the proposed water and sewer improvements.

Mayor Wood explained that general funds had never been used for water and sewer improvements, that the Department was self supporting and that in order to make the necessary improvements Community Development funds would be needed.

Mr. Young also inquired about the volunteer labor at the Children's Zoo.

Tuesday - February 25, 1975 - 7:30 o'clock p. m.

Special Meeting

Purpose: To review the City Council sub-committee report on proposed projects to be considered for the Community Development First Action Year and to obtain citizen comments concerning the recommendations.

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Bill B. Horton, J. W. Hoyle, Henry E. Colton, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr., City Staff, and approximately eighty (80) citizens.

Mayor Wood began the meeting by generally reviewing the sub-committee's recommendations. He then explained that the format for discussion would be to discuss a particular category and/or project until there were no other points of discussion then a new category and/or project would be considered.

Jerome Guilxbeau pointed out that Freedom Park in Charlotte offered a variety of activities and the City should consider a similar approach. He also pointed out that too much of the Community Development funds were being allocated to Recreation.

Mr. Kisiah responded that while Freedom Park was a fine facility, Charlotte was more widely known for its Neighborhood Center facilities - a program that was in the making by previous actions of City Council and proposed in this first year Community Development package.

Al Summey, Manager of Mountainside Apartments wanted to know how the residents of Mountainside would be involved in decisions about the equipment and location of the McCormick Park.

Mr. Kisiah explained generally where the park would be and the kinds of equipment he had in mind.

Mayor Wood explained that the Parks staff would meet with the residents to work out the particulars of budget detail, park location and equipment.

A resident of Mountainside pointed out that the land fill at McCormick Stadium was bringing rats. She also wanted to know when the park would be complete, could another location be considered and was there any indoor space considered. It was pointed out that Mountainside had no meeting room space.

Mayor Wood advised that alternate locations could be considered, that the project would get underway within the year between July 1, 1975 and June 30, 1976, and that no indoor space was being considered at this time.

Carl Johnson inquired about the status of the Old Armory Building and he explained that the building would make a good indoor facility.

It was pointed out that the State still had control of the building and if they gave it up it would revert to the City. However, with the present cramped quarters for equipment repairs on Valley Street, most likely if the City got the building it would be used for equipment repair.

It was pointed out to Mrs. Smith that the State was considering a major improvement to Valley Street and that the Special Trash Collection Program would improve the area.

Mr. and Mrs. Rice, 235 Fayetteville Street, spoke about Fayetteville Street in West Asheville. They explained that there were pot holes and no paving had been done since 1951. They also pointed out Buffalo, Fayetteville and Texas Street and some roads in the area never having been paved.

It was explained that the City scrapes the roads periodically and puts down stone but after a rain it washes into the Rice's property.

Mr. Rice explained that he had given the property for Saratoga Street and everytime the City comes out to scrape they cut into his property. He has considered closing the street.

The Mayor asked Mr. Ward to look into these matters and consider in the regular street maintenance program.

Mrs. Rosalee Carter of Bryant Street explained that she has made several complaints about the area behind Burton Street School- open sewer and the City leaves scrapings in the driveway.

Rev. Easom asked if the sub-committee recommendations would be approved this evening.

Someone asked that the time that Senior Citizens ride the bus be extended to all hours and that the rate be reduced. Both requests are part of the transportation for the elderly project.

Mr. Smith explained that there was a drug problem in Asheville speaking particularly of young blacks between the ages of 9 and 15. He suggested Community Development funds be used to provide education programs in the elementary and high schools.

Mayor Wood responded by explaining that the Mobile City Hall could be used in connection with this type of education needs.

Mr. Ridgley Robinson explained that there was a need to provide funds for the Smith-McDowell House Project. He explained that the society is seeking $25,000 in funds from the N. C. General Assembly to be matched by local funds. He suggested that the project be given consideration for funding from the Contingency fund.

Mayor Wood concurred that this might be possible later on in the program year.

Dicie Jackson inquired about the fees for playing tennis at Aston Park and the hardship this placed on poor people.

Mr. Kisiah informed Mrs. Jackson there were no fees charged.

Mr. Smith explained that the funds should not be allocated to Recreation but that there should be programs from 6 to 10 p. m.

Mayor Wood responded by explaining the soundness of the approach to using the Community Development funds for Parks and Recreation purposes directed

Mayor Wood explained that this was a citizen sponsored project.

Mrs. Jones of 72 Jefferess Avenue explained that water lines were needed.

James Smith explained that almost one-third of the funds were allocated to Recreation, but there did not appear to be anything for evening recreation. He also implied that the funds could be put to better use in that low and moderate income people don't have a problem with "playing".

Carl Johnson pointed out that the subcommittee had stressed eight reasons for deciding on the projects that were recommended. He explained that these reasons were further reason for the Council to establish a non-profit corporation to plan and implement Community Development programs. He further explained that the Community Development funds should be used as money to match other federal grants. Mr. Johnson said that with a planner, college interns, and access to legal services a non-profit corporation could be operational and could and should by representation include all geographic areas of the City.

Lela Miller, a resident of Mountainside Apartments suggested that Mr. Kisiah meet with the residents of Mountainside to decide about the McCormick Park. She explained that she knew of another piece of land and that only the residents know the problems of contending with the baseball games.

Carl Johnson explained that someone should be responsible for tapping federal grants, that citizens should have some training in what was going on, that a non-profit group could do priority setting since the City Council was not close enough to the problems of low income people. He pointed out that Nashville, Tenn. had an excellent program of Citizen Participation, also that through a non-profit corporation all agencies could be coordinated.

Mr. Guilbeaux explained that there were projects for young and old but nothing for those in between. These people should have training and employment.

The Mayor sited the various projects on pages two and three of the report in an attempt to explain the variety of projects that were being proposed.

Mrs. Dicie Jackson, 109 Mountain Street, said she was surprised that no funds were to be used for health services, that Model Cities had pointed out the need for this and Community Development funds should be used for that purpose.

Mrs. Knuckles said they needed a place at the Senior Opportunity Center and the facility should be enlarged for a clinic. She suggested that the $200,00 for Special Trash Collection be used for this purpose.

Mayor Wood explained the history of the Model Cities funds that were to be used for matching a health project and the fact that the program was not funded and no one knew what the outcome would be about a National Health Insurance Program.

Mrs. Susie Smith, 5 Mountain Street, said nothing was proposed for the East end and she wanted to know what was going to happen in the area. She further asked that some playground equipment be left at Herring School for small children.

at improving recreation services on a neighborhood basis approach.

Mayor Wood explained that due to the lateness in mailing the sub-committee's package to the residents and in light of the suggestions made the Council would not take action this evening but would take action at the Council meeting on February 27, 1975.

Adjournment.

Richard A. Wood, Jr.
MAYOR

Norman D. Malcuit
CITY CLERK

Mayor Wood noted that all of these programs were existing operating programs and that the application under consideration would fund the programs for another year.

Mr. Michalove, Assistant City Manager, advised that the Buncombe County Commissioners passed a resolution at their last meeting obligating their share of the program.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Morris, Resolution No. 75-34 was unanimously adopted.

Complete text of Resolution No. 75-34 will be found in Resolution Book No. 8 at page 85.

RESOLUTION NO. 75-35 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR LEGAL SERVICES IN CONNECTION WITH THE ACQUISITION OF LAND FOR RIVERSIDE PARK

4. Consideration was given to a resolution authorizing the Mayor to enter into a contract for legal services in connection with the acquisition of land for Riverside Park.

The City Manager read the resolution.

Upon motion of Councilman Horton, seconded by Vice-Mayor Marshall, Resolution No. 75-35 was unanimously adopted.

Complete text of Resolution No. 75-35 will be found in Resolution Book No. 8 at page 87.

IMPROVEMENTS TO McCORMICK FIELD

5. The City Manager advised that at last weeks meeting Council had directed that an ordinance be prepared amending the current budget, up to $8,000, in order to participate with the County, on a 50-50 basis toward the construction and equipping of a new dressing room at McCormick Field. The City Manager told Council that a motion approving the project was necessary.

Councilman Ochsenreiter moved to approve the construction and equipping of a new dressing at McCormick Field and the 50-50 funding of the project with the County up to $8,000.00. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

ORDINANCE NO. 833 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1974-75

The City Manager then presented an ordinance amending the operating budget of the City of Asheville for the fiscal year 1974-75 which would transfer $8,000 from the Contingency Fund to the General Fund for the purpose of providing funds for this project.

Councilman Ochsenreiter moved to approve the ordinance. This motion was seconded by Vice-Mayor Marshall.

On a roll call vote of 6-0, Ordinance No. 833 passed on the first reading.

Thursday - February 27, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Bill B. Horton, J. W. Hoyle, Henry E. Colton, Acting Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Corporation Counsel William C. Moore

1) Approval of minutes of February 20, 1975 meeting.

The City Clerk noted that at last weeks meeting Council inadvertently approved the minutes of the February 20, 1975 meeting instead of the minutes of the February 13, 1975 meeting. He asked for a motion to make the necessary correction.

Vice-Mayor Marshall moved to amend the minutes of the February 20, 1975 meeting by approving the minutes of the February 13, 1975 meeting. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Councilman Hoyle then moved to approve the minutes of the February 20, 1975 meeting, as amended. This motion was seconded by Councilman Horton and carried unanimously.

RESOLUTION NO. 75-33 - RESOLUTION AUTHORIZING AND ENDORSING THE FILING OF AN APPLICATION FOR MASS TRANSIT FUNDS

2. Consideration was given to a resolution authorizing and endorsing the filing of an application for Mass Transit funds.

The City Manager read the resolution.

Verl Emrick, Planning Director, advised Council that this grant was under the Urban Mass Transit Act and Asheville had been allocated $131,916.00 for fiscal year 1975-76. He said the planning staff was in the process of preparing the final application, which would be approved by Council, before the May 5, 1975 deadline.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, Resolution No. 75-33 was unanimously adopted.

Complete text of Resolution No. 75-33 will be found in Resolution Book No. 8 at page 84.

RESOLUTION NO. 75-34 - RESOLUTION AUTHORIZING THE MAYOR TO FILE APPLICATION FOR FEDERAL GRANTS WITH THE NORTH CAROLINA DIVISION OF LAW AND ORDER FOR THE FOLLOWING PROGRAMS: POLICE LEGAL ADVISOR; DRUG AND ALCOHOL ABUSE CO-OP; INTERAGENCY NARCOTICS SQUAD; AND CRIME PREVENTION

3. Consideration was given to a resolution authorizing the Mayor to file application for federal grants with the North Carolina Division of Law and Order for the following programs: Police Legal Advisor; Drug and Alcohol Abuse Co-op; Interagency Narcotics Squad; and Crime Prevention.

The City Manager read the resolution.

Councilman Colton moved to accept the recommendation of the Purchasing Agent and award the bid to Lynchburg Foundry Company, the low bidder, in the amount of $3.89 per foot, totaling $5,446.00. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary - 1,400 feet 6-inch Cast Iron Water Main Pipe

Bidder	Bid per ft.	total
Davis Meter and Supply Company	$3.90	$5,460.00
Pump & Lighting Co.	3.99	5,586.00
ITT Grinnell Corp.	4.06	5,642.00
Lynchburg Foundry Company	3.89	5,446.00

BIDS - FIFTY (50) FIRE HYDRANTS FOR WATER AND SEWER DEPARTMENT

8. Consideration was given to bids received February 24, 1975 for Fifty (50) fire hydrants for the Water and Sewer Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Silverman Company at $240.05 per unit, totaling $12,002.50.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bid to Silverman Company, the low bidder, in the amount of $240.00 per unit, totaling $12,002.50. This motion was seconded by Councilman Colton and carried unanimously.

Bid Summary - Fifty (50) Fire Hydrants for Water and Sewer Department

Bidder	Bid per unit	total
Pump & Lighting Co.	$259.49	$12,974.50
Southern Meter & Supply Co.	270.24	13,512.00
ITT Grinnell Corporation	245.00	12,250.00
Davis Meter & Supply Co.	259.75	12,987.50
Silverman Company	240.05	12,002.50
Supply Specialty	251.90	12,595.00
American-Darling Valve & Mfg.	259.00	12,950.00
Tidewater Supply Company	261.81	13,090.50

RESOLUTION NO. 75-36 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A FISCAL AGENCY AGREEMENT DESIGNATING PAYING AGENTS ON CERTAIN BOND ISSUES

9. Consideration was given to a resolution authorizing the Mayor to enter into a fiscal agency agreement designating paying agents on certain bond issues.

The City Manager read the resolution.

The City Manager also advised, as a matter of information to Council, that the Bank of Asheville and the North Carolina National Bank had submitted the low interest rate of 5.905186 on the 3,075,000 Water Bonds and 825,000 Parking Bonds that were sold February 25, 1975 by the Local Government Commission in Raleigh. He said the Parking Bond Anticipation Notes that were sold at the same time also went to the Bank of Asheville and North Carolina National Bank at an interest rate of 4.20.

Councilman Morris moved to suspend the rules and proceed to the second reading of the ordinance. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 833 passed on the second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of the ordinance. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 833 passed on the third and final reading.

Complete text of Ordinance No. 833 will be found in Ordinance Book No. 7 at page 159 .

RESOLUTION NO. _____ - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE SOUTHERN RAILWAY COMPANY CONCERNING A 12-INCH SANITARY SEWER LINE FROM MEADOW ROAD ACROSS THE RAILROAD FREIGHT YARDS AT BILTMORE, NORTH CAROLINA

6. Consideration was given to a resolution authorizing the Mayor to execute a right of way encroachment agreement with the Southern Railway Company concerning a 12-inch sanitary sewer line from Meadow Road across the railroad freight yards at Biltmore, North Carolina.

The City Manager read the resolution.

Mr. William Edens advised that the right of way agreement was necessary as this sewer line extends across the railroad property from Meadow Road, at the end of McDowell Street, to the Metropolitan Sewage District sewer on the north bank of the Swannanoa River. He said the present sewer line which runs under a building and a junk yard has collapsed and cannot be repaired due to its inaccessability. He said that sewerage was backing up in the line and emptying into the storm drainage system and that the North Carolina Department of Water and Air Resources was pressing the City to replace this line.

Councilman Morris questioned the agreement set forth in the resolution which would require the City to pay rent to the Southern Railway Company for the right of way at a rate of $378.00 per annum.

After discussion, Councilman Morris moved to table the resolution and that the City Attorney be instructed to contact the proper officials of the Southern Railway Company to determine their policy position on this matter and to express Council's concern over the setting of a precedent for payment of annual rents on rights of way over any property of the railroad. This motion was seconded by Councilman Colton and carried unanimously.

BIDS - 1,400 FEET 6-INCH CAST IRON WATER MAIN PIPE FOR WATER AND SEWER DEPARTMENT

7. Consideration was given to bids received February 24, 1975 for 1,400 feet 6-inch Cast Iron Water Main Pipe for the Water and Sewer Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Lynchburg Foundry Company at $3.89 per foot, totaling $5,446.00.

Ochsenreiter and carried unanimously.

Mayor Wood asked if any member of Council had any additional recommendations other than those submitted by the sub-committee.

Council then proceeded to review the following individual projects recommended by the sub-committee:

1) Community Services - Total $395,779

Special Trash Collection and Cleanup Program - $200,779

Purpose: Cleanup property where owners will not or cannot do same for themselves. Collect trash such as appliances, furniture and other material not now included in the City collection program. Funds will pay for crews and equipment needed.

Upon inquiry from Councilman Horton, Mr. Michalove advised that of this $200,779 - approximately $65,000 would be used for the purpose of equipment.

Councilman Ochsenreiter suggested that perhaps this type of service could be carried over even after these funds are exhausted since the equipment would be available. He said he felt this would help keep the area free of this type of trash.

Councilman Morris suggested that an ordinance needed to be considered for adoption by Council to require furniture and appliance dealers to be responsible for removing the old furniture and appliances when they are replaced. Thus, relieving the City from picking up these discarded items.

Transportation for the Elderly and Handicapped - $65,000

Purpose: Provide 15¢ fare to elderly and handicapped, route buses to Shiloh, Jaycee Project, Kirkwood and Bingham Heights and continue routes set up under the Model Cities program.

Concentrated Demolition and Code Enforcement in Community Development Areas - $50,000

Purpose: Concentrate City demolition and code enforcement in the Valley Street area, Burton Street Area, Shiloh Area, Oakley Area, and Montford Area to preserve existing houses and eliminate blighting conditions. Funds will pay for personnel and demolition work.

Citizen Participation - $20,000

Purpose: To provide citizens an opportunity to participate in the Community Development program process.

Upon motion of Councilman Horton, seconded by Councilman Ochsenreiter, Resolution No. 75-36 was unanimously adopted.

Complete text of Resolution No. 75-36 will be found in Resolution Book No. 8 at page 88 .

COMMUNITY DEVELOPMENT

RESOLUTION NO. 75-37 - RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mayor Wood explained that the sub-committee and the staff had reviewed citizen comments received during the special meeting of the City Council on February 25, 1975 and, based upon these comments the sub-committee was recommending the following projects for inclusion to the proposed recommendations for the First Year Community Development Plan.

Burton Street Area Rehabilitation - $31,000

Purpose: Begin the first phase of improving the area by beginning a concentrated code enforcement program and making improvements in sidewalks and streets and in the case of unpaved streets for work beyond that which is done through the regular City budget. The cost estimate is based upon half of the estimated cost for these items as detailed in the Asheville Rehabilitation and Renewal Program II.

This should be included in the category of Community Development Area Improvements.

Health Clinic Services $10,000

Purpose: To provide for a physician and appropriate assistance and consumable supplies and equipment to operate a clinic at the Senior Opportunity Center. The cost estimate is based upon experience with a similar project implemented in conjunction with the First Baptist Church through the use of Model Cities funds.

This should be included in the category of Social Services.

He said funding to support these projects should come from the Contingency Fund.

Councilman Colton suggested that Council consider a request made at the meeting of February 25, 1975 that funds be appropriated to aid in the renovation of the Smith-McDowell House on Victoria Road as a historical museum. He said this appropriation could be made contingent upon the project receiving State funds in the amount of $25,000.

After discussion, Councilman Colton moved to appropriate from the Community Development funds, the amount of $8,333; to come from the Contingency Fund and to be included in a new category called "Historical Preservation Activities". The purpose being for renovation and refurbishing of the Smith-McDowell House with the understanding that the funds would be made available contingency upon the State funding the project in the amount of $25,000. This motion was seconded by Councilman

Councilman Horton commended the sub-committee and the staff for a job well done in preparing the recommendations. He did, however, suggest that Council should cover a wider field in conjunction with Community Development Area Improvements, paying particular attention to open sewers. He suggested that the appropriations be adjusted to allow for immediate emergency sewer repairs. He also suggested that $100,000 be appropriated for immediate emergency repairs on open sewers.

After discussion, Councilman Colton suggested that the City Manager be instructed to include in the 1975-76 Water Budget appropriations for immediate emergency sewer repairs.

Mr. W. H. McAdams, 10 West Chapel Road, spoke in favor of the Shiloh project.

Councilman Horton moved to appropriate $6,000 from the Contingency Fund for a State Street Sidewalk Project from Short Michigan Avenue to Amboy Road. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Councilman Colton moved to approve the recommendations set forth for the category of Community Development Area Improvements in the amount of $1,476,421. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

3) SOCIAL SERVICES - TOTAL $172,500 - These projects are designed to continue and/or provide new services to the community development neighborhood.

Meals-on-Wheels - $15,000

Purpose: To continue supporting the meals-on-wheels program begun by the volunteer effort under the Model Cities Program.

Buncombe County Child Development Program - $12,500

Purpose: To assist Buncombe County in furnishing matching funds for its federal grant child care program, which includes a center at the city's Livingston Street Neighborhood Facility.

Senior Opportunity Center - $90,000

Purpose: To continue operating support for the Senior Opportunity Center on Grove Street.

Home Ownership and Credit Counseling Service - $30,000

Purpose: Assist, through counseling services, low and moderate income families determine appropriate family housing alternatives. (This program would be developed jointly by Consumer Credit Counseling Service of Western North Carolina, Inc. and the Housing Authority.)

Multi-Purpose Center Shiloh - $25,000

Purpose: To expand the pre-existing Opportunity Corporation program by assistance from city departments, in order to carry out some of the recommendations made in the public hearings.

Mobile City Hall - $20,000

Purpose: Mobile unit would visit neighborhoods on a regular basis to provide citizens with information about city services. Representatives of various city departments would alternate traveling with the unit in order to develop closer communication links between the city departments and residents. Funds would pay for personnel, mobile unit operating expense and displays. (The unit to be used was purchased under the Model Cities program and has been adapted to this purpose.)

Administration - $40,000

Purpose: To pay for administering the Community Development program, bookkeeping, liaison with HUD and City Departments.

Councilman Morris moved to approve the recommendations set forth in the category of Community Services in the amount of $395,779. This motion was seconded by Councilman Hoyle and carried unanimously.

2) COMMUNITY DEVELOPMENT AREA IMPROVEMENTS - TOTAL $1,435,221

These projects are designed to encourage the maintenance of the City's housing stock and stimulate citizen interest in their neighborhoods. Activities would include such things as street paving, sidewalks, loans for rehabilitation of houses, self-help rehabilitation, demolition of dilapidated structures, increase size and capacity of water and sewer lines and improve service and fire protection.

Shiloh Rehabilitation, Water and Sewer Improvements - $956,921

Purpose: Make major improvements in sewer lines, begin concentrated code enforcement, make sidewalk, street and water improvements. Exact streets to be determined at a later date.

Montford/Cherry Rehabilitation and water improvements - $420,000

Purpose: To extend 12" water line across the expressway into the Montford area. Begin rehabilitation loan program to home owners. Begin rehabilitation of Cherry Street area. Exact streets to be included in the first phase of this project are to be decided at a later date.

Oakley Rehabilitation project - $62,500

Purpose: Improve and/or construct sidewalks near Murphy-Oakley Community Center and Oakley School.

Mayor Wood commented that the additional project of Burton Street Area Rehabilitation in the amount of $31,000 would be added to this category.

Mayor Wood also noted that $258,467 was left in the Contingency Fund after approval of all projects.

After reviewing the individual projects, the City Manager read a resolution authorizing submission of an application for Community Development Block Grant funds from the Department of Housing and Urban Development.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 75-37 was unanimously adopted.

Complete text of Resolution No. 75-37 will be found in Resolution Book No. 8 at page 89.

Mayor Wood commended the staff and various agencies for their efforts put in the recommendations. He especially commended the citizens for their representation at the public hearings.

Mayor Wood advised that there would not be a meeting of the City Council next week due to the lack of a quorum for the scheduled meeting of March 6, 1975.

Adjournment.

Richard D. Wood, Jr.
MAYOR

William D. Dressler
CITY CLERK

Mayor Wood commented that the additional project of Health Clinic Services in the amount of $10,000 would be added to this category.

Councilman Horton moved to increase the appropriations for the Health Clinic Services from $10,000 to $20,000 to provide for practical nursing services. This motion was seconded by Councilman Colton and carried unanimously. The amount to come from the Contingency Fund and the amount to be included in the Senior Opportunity Center budget.

Councilman Ochsenreiter moved to approve the recommendations set forth for the category of Social Services in the amount of $192,500. This motion was seconded by Councilman Hoyle and carried unanimously.

4) RECREATION IMPROVEMENTS - TOTAL $906,500 - These projects are designed to acquire land for new development and expand park and recreation facilities in general.

Magnolia Park - $30,000

Purpose: Provide toilet facilities, playground equipment, wading pool, shelter, and landscaping.

Hilltop Recreation Center - $75,000

Purpose: Demolish old Stephens Lee Classroom Building and landscape for park area. (No funds available for purchase of property due to other priorities.)

Aston Park Improvements - $125,000

Purpose: Construct tennis courts and further develop the park area.

Montford Recreation Center Complex - $459,000

Purpose: To construct a major community and recreation center for the residents of the Montford area. (This funding is in addition to prior Model Cities allocations of $219,548. Application will be made for additional Bureau of Outdoor Recreation funds.)

McCormick Playground - $17,500

Purpose: Provide neighborhood play area for the Carroll Avenue-Mountainside Apartments area.

Murphy-Oakley Park Facilities - $200,000

Purpose: Provide for landscaping, baseball field, tennis courts, Toilet facilities, picnic shelter and off-street parking.

After discussion of this category Councilman Morris moved to approve the recommendations set forth for Recreation Improvements in the amount of $906,500. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Mayor Wood noted that the category of Historical Preservation in the amount of $8,333 had approval at the beginning of the meeting.

Red Cross, gave a brief history of the Red Cross's growth and cited the need for more building space and parking as the main reasons for the decision to relocate the Tunnel Road facility to the proposed location.

Upon inquiry of Mayor Wood as to why the building could not be faced away from the residential property, Mr. Stewart Rogers, architect, advised that the building would have an entrance on both sides.

Councilman Colton questioned whether the City should be responsible for the cost of improvements to Edgewood Road and Westall Drive in order for this building to be located on this site.

General Anderson said it was his opinion that the building could be constructed on this site without widening these roads. However, the Red Cross would dedicate the portion of property necessary for the improvements.

Mayor Wood closed the public hearing at 3:30 o'clock p. m.

Councilman Colton moved to approve the site plan subject to the developer complying with the recommendations of the Planning and Zoning Commission and conditional upon the developer dedicating the necessary right of way from their property as well as reimbursing the City for the cost of improvements to Westall Drive and Edgewood Road along their property lines. This motion was seconded by Councilman Hoyle and carried unanimously.

PUBLIC HEARING - SITE PLAN - PROPOSED HEALTH EDUCATION CENTER

4. A public hearing was held to consider the approval of a site plan of a proposed health-education center to span Biltmore Avenue in the vicinity of the St. Joseph's and Memorial Mission Hospitals, prepared by Six Associates, Inc., architects, for Mountain Area Health Education Foundation, Inc., Developer.

Mayor Wood opened the public hearing at 3:33 o'clock p. m.

The City Manager read the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Bob McDonald, of the Planning Staff, advised that the Planning and Zoning Commission had recommended approval of the project, subject to the developer complying with Ordinance No. 813 - City of Asheville Erosion Control Ordinance. He said the planning staff had also recommended that the City provide adequate storm sewers on Biltmore Avenue to handle runoff from the Project.

He said the owners of the facility would be Memorial Mission and St. Joseph's Hospitals and would be leased to the Mountain Area Health Education Foundation, Inc. He said the plan proposes a roadway to be constructed over Biltmore Avenue, for vehicular and pedestrian traffic to and from the two hospitals. This would be a private roadway and the two hospitals would control the traffic. He said, in response to the architect's inquiry regarding air rights above Biltmore Avenue, the Attorney General's office had advised that such rights are not owned by the Board of Transportation since only a right-of-way easement for the street is possessed by the State. Air Rights belong to the property owners, being in this instance the hospitals.

Mr. Stewart Rogers, architect for the project, answered general questions of Council.

Mayor Wood closed the public hearing at 3:43 o'clock p. m.

Councilman Morris moved to approve the site plan subject to the developer

Thursday - March 13, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Bill B. Horton, J. W. Hoyle, Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of special meeting of February 25, 1975.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, the minutes of the special meeting of February 25, 1975 were approved as submitted.

2. Approval of minutes of February 27, 1975 meeting.

Upon motion of Councilman Morris, seconded by Councilman Horton, the minutes of the February 27, 1975 meeting were approved as submitted.

PUBLIC HEARING - SITE PLAN - PROPOSED RED CROSS BUILDING

3. A public hearing was held to consider the approval of the site plan of a proposed Red Cross Building to be located off Merrimon Avenue between Edgewood Road and Westall Avenue, prepared by Six Associates, Inc., architects, for the Asheville Area Chapter, American National Red Cross.

Mayor Wood opened the public hearing at 3:03 o'clock p. m.

The City Manager read the notice to the public setting the time and date for the public hearing and the affidavit of publication.

Bob McDonald, of the Planning Staff, advised that the Planning and Zoning Commission had recommended approval of the project, subject to the following conditions:

1. That the developer comply with Ordinance No. 813, City of Asheville Erosion Control Ordinance.

2. That the developer comply with the recommendations of the Asheville Water and Sewer Department.

3. That the developer meet with the appropriate city officials to negotiate improvements to Edgewood Road and Westall Drive.

Mr. McDonald further advised that Edgewood Road Improvements would include upgrading Edgewood Road to a three lane facility for a distance of 470 feet from Merrimon Avenue to the northeast corner of the Red Cross property at an approximate cost of $18,950.00. He said Westall Drive Improvements would include widening of Westall Drive an additional 4 feet for a distance of approximately 520 feet from Merrimon Avenue to the parking lot entrance at the southeast corner of the Red Cross property at an approximate cost of $5,242.00. The total cost of all improvements including sidewalks, curb and gutter would be $24,192.00. This, he said, would not include costs for any right of way acquisitions.

General Webster Anderson, representing the Asheville Chapter of American

ORDINANCE NO. 834 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1974-75 (RELATIVE TO AIRPORT RUNWAY EXTENSION AND ILS PROJECT)

6. Consideration was given to an ordinance amending the operating budget of the City of Asheville for the Fiscal Year 1974-75 (Relative to Airport Runway Extension and ILS Project).

The City Manager read the ordinance and explained that the General Fund of the operating budget for fiscal year 1974-75 included appropriations and estimated revenues for the Runway Extension and ILS Project at the Asheville Airport and it is now necessary to establish a new fund named Airport Runway Extension and ILS Project and to transfer all of the estimated revenues and appropriations pertaining to this project from the General Fund into the new fund.

Councilman Morris moved for adoption of the ordinance. This motion was seconded by Councilman Colton.

On a roll call vote of 6-0, Ordinance No. 834 passed on its first reading.

ORDINANCE NO. 835 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1974-75 (RELATIVE TO PACK MEMORIAL LIBRARY)

7. Consideration was given to an ordinance amending the operating budget of the City of Asheville for the fiscal year 1974-75 (Relative to Pack Memorial Library).

The City Manager read the ordinance and explained that the Pack Memorial Library had been notified by the State of North Carolina that the library would receive revenue which had not been anticipated and that the Director of the Library had requested these revenues be appropriated for library use. He said this ordinance would amend the budget by increasing anticipated revenues and by appropriating additional funds for library use.

Upon inquiry of Councilman Morris as to the clarification of the appropriation of $2,400 for outside contributions, the City Manager explained that this line item was for the repair of books and for the work in preparing papers for permanent storage.

Mayor Wood requested the City Manager to further clarify this line item as an expenditure before the second reading of the ordinance.

Councilman Morris moved for the adoption of the ordinance. This motion was seconded by Councilman Ochsenreiter.

On a roll call vote of 6-0, Ordinance No. 835 passed on its first reading.

RESOLUTION NO. 75-38 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH 30 PARKMAN AVENUE, 39-1/2 NORTH STREET, AND 955 WEST CHAPEL ROAD

8. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance directing the Housing Officer to demolish 30 Parkman Avenue, 39-1/2 North Street and 955 West Chapel Road.

The City Manager read the resolution.

complying with the City of Asheville Erosion Control Ordinance. This motion was seconded by Councilman Horton and carried unanimously.

PRESENTATION OF ASHEVILLE THOROUGHFARE PLAN

5. Mr. Larry Ward, of the Planning Staff, presented a proposed Asheville Thoroughfare Plan and briefly reviewed the history of implementing the plan. He said the proposed plan was similar to the study prepared by Wilbur Smith and Associates, which was adopted by Council in 1960. He said the projects in the plan were based on projections through 1995 and also recommended improvements to the existing street systems.

He said one major difference between the proposed plan and the Wilbur Smith study was that the recommendation made by Wilbur Smith for an expressway loop to the South of the Central Business District had been reevaluated and it now seems more feasible to have a two way pair street between Hilliard Avenue and a new street to be connected into Valley Street, thereby not tending to separate the Central Business District from the south.

He said public meetings had been held at seven different locations throughout the area and recommendations resulting from these meetings were evaluated and a portion of them incorporated into the plan. He said the preliminary plan had been reviewed and accepted by the Transportation Advisory Committee as well as the Technical Coordinating Committee. He advised that even after adoption of the plan a reevaluation would be made each year and, if necessary, the plan could be modified.

Mr. Ward answered general questions of Council relative to improvements to individual streets.

Mr. John Caldwell, representative of the North Carolina Department of Transportation and coordinator for projects in the Asheville area, commented that after Asheville adopts a thoroughfare plan, the City would be eligible for federal funds for assistance in the proposed improvements. He advised that the State had developed a Seven Year plan for the Asheville area and the first priority would be for the Valley Street Improvements. He said the Council could set the remainder of the priorities.

Mr. Caldwell also answered general questions of Council relative to individual projects.

Mr. E. R. McCarthy suggested that a loop be made from the end of the Haywood Road bridge extending to McDowell or Biltmore Avenue giving a more direct access for residents of West Asheville.

Mayor Wood advised Mr. McCarthy that this was a part of the East Riverside Urban Renewal Plan.

Mayor Wood noted that Council would not take action on the plan at this meeting, however, the maps would be available for inspection in the Planning Office. He urged members of Council to look over the plan in the next couple of weeks so that they could be prepared to take some action in the next few weeks.

Councilman Ochsenreiter moved to grant the Asheville Housing Authority's request and to instruct the City Manager to prepare an ordinance amending the budget by deleting the estimated revenue from the Asheville Housing Authority for Council's agenda at the next meeting.

RESOLUTION NO. 75-41 - RESC JTION AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL FOR ENGINEERING SERVICES FROM THE PITOMETER ASSOCIATES, CONSULTING ENGINEERS, OF NEW YORK, NEW YORK

Consideration was given to a resolution authorizing the City Manager to accept a proposal for engineering services from the Pitometer Associates, consulting engineers, of New York, New York.

The City Manager read the resolution.

Mr. William Edens, Director of Water and Sewer, stated that the study was necessary to determine what could be done to eliminate the use of two large pumps which operate continuously at North Fork Pumping Station to move water into Black Mountain and to certain areas between North Fork and Bee Tree Junction. He said it was his opinion that this study would show how to reduce, substantially, the power cost which is now incurring, and perhaps eliminate a substantial amount of investment in plant which is proposed as part of Phase II of the Water Quality Improvement Program.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 75-41 was unanimously adopted.

Complete text of Resolution No. 75-41 will be found in Resolution Book No. 8 at page 94

RESOLUTION NO. 75-42 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION CONCERNING A 2-INCH WATER LINE ON THE FAIRVIEW ROAD RELOCATION NEAR THE US 74-I-40 INTERCHANGE, BUNCOMBE COUNTY

Consideration was given to a resolution authorizing the Mayor to execute a right of way encroachment agreement with the State of North Carolina Department of Transportation concerning a 2-inch water line on the Fairview Road relocation near the US 74-I-40 Interchange, Buncombe County.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Morris, Resolution No. 75-42 was unanimously adopted.

Complete text of Resolution No. 75-42 will be found in Resolution Book No. 8 at page 95.

Adjournment.

Richard D. Woodfin
MAYOR

William S. Morcott
CITY CLERK

Councilman Colton moved for the adoption of the resolution setting the public hearing date for April 3, 1975. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Complete text of Resolution No. 75-38 will be found in Resolution Book No. 8 at page 90.

RESOLUTION NO. 75-39 - RESOLUTION AUTHORIZING THE AMENDMENT OF THE MODEL CITIES PROGRAM TO AUTHORIZE EXTENSION OF EMPLOYMENT OF A CITIZEN PARTICIPATION WORKER-VAN DRIVER FROM MARCH 31, 1975 THROUGH JUNE 30, 1975

9. Consideration was given to a resolution authorizing the amendment of the Model Cities Program to authorize extension of employment of a Citizen Participation worker- van driver from March 31, 1975 through June 30, 1975.

The City Manager read the resolution.

Upon motion of Councilman Horton, seconded by Councilman Hoyle, Resolution No. 75-39 was unanimously adopted.

Complete text of Resolution No. 75-39 will be found in Resolution Book No. 8 at page 92.

ANNOUNCEMENT OF PUBLIC MEETING - A NUCLEAR CONTROVERSERY

Mayor Wood called attention to a public meeting for "The Nuclear Controversery" to be held at UNC-Asheville on Saturday, March 15, 1975.

Dr. Chauncey Kephart, a speaker for the meeting, briefly explained the dangers of constructing Nuclear Power plants.

RESOLUTION NO. 75-40 - RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO JOIN WITH THE COUNTY OF BUNCOMBE IN EXECUTING AN AGREEMENT WITH J. BERTRAM KING, F. A. I. A. FOR THE ARCHITECTURAL SERVICES REQUIRED FOR THE CONSTRUCTION OF THE NEW CENTRAL LIBRARY

Consideration was given to a resolution authorizing the City of Asheville to join with the County of Buncombe in executing an agreement with J. Bertram King, F.A.I.A., for the architectural services required for the construction of the new Central Library.

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, Resolution No. 75-40 was unanimously adopted.

Complete text of Resolution No. 75-40 will be found in Resolution Book No. 8 at page 93.

REQUEST OF ASHEVILLE HOUSING AUTHORITY TO WAIVE 1974 PAYMENT-IN-LIEU OF TAX

The City Manager presented a memorandum from W. C. King, Executive Director, of the Asheville Housing Authority, which requests that 1974 payment-in-lieu of tax in the amount of $24,781.52 be waived to assist the Authority in meeting expenses for operations. He said the overall costs have exceeded expectations and the first quarter operating receipts and expenditures reflects a deficit of $45,107.00 which has been reduced to $17,693.00 by approved subsidies from HUD. However, it is expected that during the winter months the deficit will be much larger.

REQUEST FROM WNC PILOTS ASSOCIATION TO CONDUCT AIR SHOW - MAY 18, 1975

3. Consideration was given to a request of the WNC Pilots Association to conduct an air show at the Asheville Airport on Sunday, May 18, 1975.

Mrs. Bill Norwood, representing the WNC Pilots Association, briefly described what talent would be involved in the air show and explained that the Association would be working with the FAA Control Tower before and during the show; that Piedmont Airlines would not be interrupted during the show; and that REACT and off-duty patrolmen would take care of the parking and security. She said a committee of the Association would be responsible for cleaning up after the show.

Mr. Gary Taylor, Director of Aviation, said it would be his recommendation to deny the request at this time due to the airport operating with only one runway at the present time; trying to maintain an air schedule carrier- daily flights- without interruptions; construction and surveying work being carried on at the exact location where the air show would be held; and a newly installed radar antenna, which does not have fencing and would be to be patrolled. He said his main objection to an airshow would be the control of the general public which has presented problems in previous airshows. He also said although he is in favor of airshows for entertainment it was his understanding that this would not be an annual event.

Mr. Ray Anders, of the WNC Pilots Association, told Council that provisions would be made for all safety factors and urged Council to favor the request.

Councilman Colton moved to approve the request of the WNC Pilots Association to conduct an airshow at the Asheville Airport on Sunday, May 18, 1975, with the understanding that the Association would wait until the proposed new construction is completed at the Airport before another one is held. This motion was seconded by Councilman Hoyle and carried unanimously.

RESOLUTION NO. 75-43 - RESOLUTION AUTHORIZING THE MAYOR TO SELL CITY OWNED VACANT PROPERTY ON FAGG STREET TO THE ASHEVILLE HOUSING AUTHORITY

4. Consideration was given to a resolution authorizing the Mayor to sell city owned vacant property on Fagg Street to the Asheville Housing Authority.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 75-43 was unanimously adopted.

Complete text of Resolution No. 75-43 will be found in Resolution Book No. 8 at page 96.

REQUEST FOR PUBLIC HEARING - URBAN MASS TRANSPORTATION ACT

5. Mr. Michalove, Assistant City Manager, explained that under the Urban Mass Transportation Act the City is eligible to recover some of the costs it incurred in support of the Asheville Transit Authority for this fiscal year. He said in order to comply with federal regulations in applying for the grant a public hearing is necessary to explain the grant application. He said it is possible to recover $95,254.81 by applying for the grant.

Councilman Morris moved to schedule a public hearing on the matter for May 1, 1975. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Thursday - March 27, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Bill B. Horton, J. W. Hoyle, Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of March 13, 1975 meeting.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, the minutes of the March 13, 1975 meeting were approved as submitted.

ORDINANCE NO. 834 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1974-75 (RELATIVE TO AIRPORT RUNWAY EXTENSION AND ILS PROJECT)

2. Consideration was given to the second reading of Ordinance No. 834, an ordinance amending the operating budget of the City of Asheville for the Fiscal Year 1974-75 establishing a new fund named Airport Runway Extension and ILS Project and transferring all the estimated revenues and appropriations pertaining to the project from the General Fund into the new fund.

Mayor Wood advised that members of Council had previously been furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 834 passed on its second reading.

ORDINANCE NO. 835 - ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1974-75. (RELATIVE TO PACK MEMORIAL LIBRARY)

3. Consideration was given to the second reading of Ordinance No. 835, an ordinance amending the operating budget of the City of Asheville for the fiscal year 1974-75 which would increase anticipated revenues and appropriate additional funds for library use.

Mayor Wood advised that members of Council had previously been furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

As requested by the Mayor at the last Council meeting, Mr. Ken Brown, Director of the Library, explained that the line item referred to in the ordinance as "Outside Contributions" in the amount of $2,400 was a grant-in-aid from the State Library for an employee of the library to attend graduate library school, which had been approved by the State after the budget was adopted.

On a roll call vote of 6-0, Ordinance No. 835 passed on its second reading.

Lawrence Smith and Jacob Demetris explained that their claim was for water damage to Mr. Demetris' warehouse on Merrimon Avenue and Chatham Road.

LEGISLATION FOR PENSION PLAN - CORPORATION COUNSEL'S REPORT

Mr. William C. Moore, Corporation Counsel, advised that the General Assembly has previously created legislation fro the existing pension and retirement funds for the City Police and Fire Departments. He said it is now the City's intention to have a pension plan for all city employees of the City of Asheville, including those firemen and policemen that are hired after the effective date of the new pension plan. He said the City must first request the General Assembly to pass legislation relative to the proposed pension plan. He then read a draft of the proposed bill to be presented to the General Assembly.

Mayor Wood commented that a sub-committee of the Council has been working with the consultants to the City concerning the entire pension situation and as a preliminary to any modifications to the existing pension program it is necessary to obtain legislative authority from the General Assembly. He said the proposed Act does not set a specified effective date for the establishment of a pension plan, however, it does state that the present pension plan for the Police and Fire Departments will continue until such time as the Council implements the new plan. He said then any employees presently covered under the existing plan would continue unless they voluntarily elect to be covered in the new plan.

Councilman Horton moved to request that our legislative delegation introduce the enabling legislation to the General Assembly. This motion was seconded by Councilman Colton and carried unanimously.

LEGISLATION - BOXING AND WRESTLING COMMISSION - CORPORATION COUNSEL'S REPORT

Mr. William C. Moore, Corporation Counsel, noted that in the past several months there has been some question relative to the role of the Boxing and Wrestling Commission in regard to the duties and responsibilities in the holding of boxing and wrestling events. He said their attorney, Mr. John Shackleford, had drafted a proposed Act to be introduced to the General Assembly which sets forth regulations relative to the powers and duties of the Commission. He said this Act sets out specifics for the powers and duties; licensing charges; terms of office, bond requirements; event licenses and penalties.

Councilman Hoyle moved to request that our legislative delegation introduce the enabling legislation to the General Assembly. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

CARL JOHNSON - COMPLAINTS AND REQUESTS

Mr. Carl Johnson voiced concern over the shortage of housing space for elderly senior citizens and suggested that the City purchase the Landmark Hotel for housing space.

Mr. Johnson also stated that the City should have better screening of the law enforcement personnel and to advise them of their responsibilities in arresting someone and taking them to jail. He referred to an incident where a patrolman arrested two men on Lexington Avenue on a drinking charge and instead of taking the men directly to jail they continued patrolling, during which time the vehicle was left unattended and due to a brake failure was involved in an accident injuring the occupants. He said one of the men was still in the hospital and he felt the police wagon should never have been left unattended. He said Council should take

BIDS - 1,400 FEET 6-INCH WATER PIPE FOR WATER AND SEWER DEPARTMENT

6. Consideration was given to bids received March 24, 1975 for 1,400 ft. 6-inch water pipe for Water and Sewer Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low base bid, item #1, submitted by Lynchburg Foundry Company at $3.83 per foot, totaling $5,362.00. He said the pipe will be used to complete the water line in the South annexation area off Caribou Road.

Councilman Colton moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Lynchburg Foundry Company at $3.83 per foot, totaling $5,362.00. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

RESOLUTION NO. 75-44 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE DRUG AND ALCOHOL ABUSE ADVISORY COMMISSION (Dr. Sherburn Stanley)

7. Consideration was given to a resolution appointing Dr. Sherburn Stanley as a member of the Asheville-Buncombe Drug and Alcohol Abuse Advisory Commission.

Mayor Wood noted that this was an additional appointment to the Commission, which was requested by the Commission.

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Horton, Resolution No. 75-44 was unanimously adopted.

Complete text of Resolution No. 75-44 will be found in Resolution Book No. 8 at page 97.

RESOLUTION NO. 75-45 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR WATER LINE CROSSING UNDER U. S. 19-23 NORTH TO SOUTH

8. Consideration was given to a resolution authorizing the Mayor to execute right of way encroachment agreement with the North Carolina Department of Transportation for water line crossing under U. S. 19-23 North to South.

The City Manager read the resolution and explained that the encroachment is to serve the installation of a water line in the South annexation area.

Upon motion of Councilman Colton, seconded by Vice-Mayor Marshall, Resolution No. 75-45 was unanimously adopted.

Complete text of Resolution No. 75-45 will be found in Resolution Book No. 8 at page 98.

CLAIMS - JACOB P. DEMETRIS AND RUSSELL W. ROGERS

The City Manager presented a claim received from Lawrence Smith, attorney for Jacob P. Demetris and a claim received from Loren D. Packer, attorney for Russell W. Rogers.

Mayor Wood referred the claims to the Corporation Counsel for investigation and recommendation.

Thursday - April 3, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Bill B. Horton, J. W. Hoyle, Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of March 27, 1975 meeting.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall, the minutes of the March 27, 1975 meeting were approved as submitted.

ORDINANCE NO. 834 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1974-75 (RELATIVE TO AIRPORT RUNWAY EXTENSION AND ILS PROJECT)

2. Consideration was given to the third and final reading of Ordinance No. 834, an ordinance amending the operating budget of the City of Asheville for the Fiscal Year 1974-75 (Relative to Airport Runway Extension and ILS Project).

Mayor Wood advised that members of Council had previously been furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 834 passed on its third and final reading.

Complete text of Ordinance No. 834 will be found in Ordinance Book No. 6 at page 260.

ORDINANCE NO. 835 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1974-75 (RELATIVE TO PACK MEMORIAL LIBRARY)

3. Consideration was given to the third and final reading of Ordinance No. 835, an ordinance amending the operating budget of the City of Asheville for the Fiscal Year 1974-75. (Relative to Pack Memorial Library).

Mayor Wood advised that members of Council had previously been furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 835 passed on its third and final reading.

Complete text of Ordinance No. 835 will be found in Ordinance Book No. 6 at page 261.

a stand on how an arrested person should be treated.

Mr. Johnson also asked Council to support the GEARA Radio Program, which was created by the Model Cities Commission. He asked the Mayor to proclaim a WBMU Day asking industry and citizens to support the program. He said the Commission had worked very hard to bring this station on the air.

Mayor Wood asked Mr. Michalove to furnish Council with information on the status fo the GEARA Program.

N. A. A. C. P. - COMPLAINT - RE: CARL WILLIAMS

Mrs. Grace B. Dorn, President of the Asheville Chapter of the National Association for the Advancement of Colored People (NAACP), read a prepared statement relative to brutality by law enforcement officers. Mrs. Dorn presented an affidavit signed by Mr. Carl Williams and asked Council to investigate the arrest of Carl Williams on March 15, 1975.

Mayor Wood instructed the City Manager to investigate the arrest and report back to Council.

JIM GREY - REQUEST

Mr. Jim Grey, of Herald Communications, told Council that he felt the new police patrol system was giving the citizens a better attitude toward the Police Department.

Mr. Grey also asked if the City Manager would be in a position to release the information on the request of the NAACP before the Native Stone newspaper deadline at noon on Tuesday of next week.

The City Manager told Mr. Grey that he could not report to him before reporting the information to Council.

Adjournment.

Richard D. Wood
MAYOR

Brenda J. Nolcott
CITY CLERK

ORDINANCE NO. 838 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1974-75. (PURCHASE OF DISPOSAL PARCEL NO. 1 - CIVIC REDEVELOPMENT PROJECT NCR-13)

6. Consideration was given to an ordinance amending the operating budget of the City of Asheville for fiscal year 1974-75. (Purchase of Disposal Parcel No. 1 - Civic Redevelopment Project NCR-13)

The Assistant City Manager read the ordinance.

Mr. W. C. King, Executive Director of the Asheville Housing Authority, explained that Parcel No. 1 was originally set aside and scheduled for acquisition by the Allen High School, which closed as of the last school term. He said the owners have no further interest in the property. He said the N. C. Department of Transportation had acquired a portion of the lot in order to relocate Poplar Street. He said under the federal closeout provisions of the project the City is obligated to absorb unmarketable properties and that Parcel No. 1 is irregular in shape and will not permit commercial use. He said the purchase price of Disposal Parcel No. 1 is $10,000.

Mayor Wood commented that the United Fund Agency had shown an interest in leasing this particular lot from the City in order to provide parking for the agencies which had been moved into the old Allen High School building.

Councilman Morris moved for the adoption of the ordinance. This motion was seconded by Councilman Colton.

On a roll call vote of 6-0, Ordinance No. 838 passed on its first reading

BIDS - ONE (1) 1975 MODEL TRUCK, 25,000 GVW - CONVENTIONAL CAB AND CHASSIS FOR WATER AND SEWER DEPARTMENT

7. Consideration was given to bids received March 17, 1975 for one (1) 1975 Model Truck 25,000 GVW- Conventional Cab and Chassis for Water and Sewer Department.

The Assistant City Manager read a memorandum from the Purchasing Agent which stated that bids were taken to provide truck chassis for the mounting of a Myers MHV High Velocity Sewer Cleaning Machine by the manufacturer. He said the bid award for purchase of the Myers Machine was approved by City Council in the amount of $14,320.00 on December 19, 1974. The Director of Water and Sewer Services, Superintendent of Motor Transport and the Purchasing Agent having reviewed the bids recommended the acceptance of the low bid submitted by Apple Tree Chevrolet, Inc. in the amount of $9,707.79.

The Assistant City Manager said that if Council approved the bids an ordinance was prepared for their consideration which would amend the budget ordinance in the amount of the cost of the truck.

Mr. Bill Edens, Director of Water and Sewer Services, told Council that appropriations had not been made in the current budget for the purchase of the truck as it was anticipated that a surplus truck could be obtained for this use. However, it resulted that a surplus truck was not available and therefore it was necessary to purchase a new truck. He said money was available in the Water and Sewer Contingency Fund to purchase the truck.

Vice-Mayor Marshall moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Apple Tree Chevrolet, Inc. in the amount

PUBLIC HEARING - DEMOLITION OF 30 PARKMAN AVENUE, 39-1/2 NORTH STREET, AND 955 WEST CHAPEL ROAD

ORDINANCE NO. 836 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 30 PARKMAN AVENUE, 39-1/2 NORTH STREET AND 955 WEST CHAPEL ROAD

4. A public hearing was held to consider an ordinance directing the Housing Officer to demolish those dwelling houses known as 30 Parkman Avenue, 39-1/2 North Street and 955 West Chapel Road.

Mayor Wood opened the public hearing at 3:07 o'clock p. m.

The Assistant City Manager read the notice and affidavit of publication setting the time and date for the hearing.

Mr. J. E. Johnson, Building Inspector, reported that he had inspected the properties during the past week and that no improvements had been made on any of the properties listed. He said hearings had been held on each of the properties and Findings of Fact and Orders had been issued.

At the Mayor's request, the Assistant City Manager read the names and addresses of the properties in question.

Rev. Frank Owens, 956 West Chapel Road, spoke in support of the ordinance, referring to the dilapidated condition of 955 West Chapel Road.

Mayor Wood closed the public hearing at 3:15 o'clock p. m.

The Assistant City Manager read the ordinance ordering the demolition of the three properties in question.

Councilman Colton moved for the adoption of the ordinance. This motion was seconded by Councilman Hoyle.

On a roll call vote of 6-0, Ordinance No. 836 passed on its first reading.

ORDINANCE NO. 837 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1974-75 (ASHEVILLE HOUSING AUTHORITY REVENUES)

5. Consideration was given to an ordinance amending the operating budget of the City of Asheville for fiscal year 1974-75 (Asheville Housing Authority revenues).

The Assistant City Manager read the ordinance and explained that the Asheville Housing Authority is experiencing an operating deficit and that they have obtained the maximum amount of subsidy from HUD to offset this deficit. He said a substanial deficit still exists and the Asheville Housing Authority has requested the City to waive an anticipated revenue in the amount of $13,800.

Councilman Ochsenreiter moved for the adoption of the ordinance. This motion was seconded by Vice-Mayor Marshall.

On a roll call vote of 6-0, Ordinance No. 837 passed on its first reading.

PETITION TO CLOSE JUNALUSKA STREET - SERVING BROOKS-HOWELL PROPERTY

The Assistant City Manager presented a petition from Mary E. Bethea, Administrator of Brooks-Howell Home, requesting that an abandoned portion of Junaluska Street be permanently closed. He advised Council that if they wished to consider the closing of Junaluska Street it would be necessary to pass a resolution setting a public hearing on the question and that if it was Council's wish he was prepared to present the resolution. On instructions from Mayor Wood he proceeded with the presentation of the following resolution.

RESOLUTION NO. 75-47 - RESOLUTION OF INTENT TO CLOSE AN ABANDONED PORTION OF JUNALUSKA STREET IN THE CITY OF ASHEVILLE AND CALLING FOR A PUBLIC HEARING ON THE QUESTION

Councilman Horton moved for the adoption of the resolution setting the date for the public hearing for May 15, 1975. This motion was seconded by Councilman Hoyle and carried unanimously.

Complete text of Resolution No. 75-47 will be found in Resolution Book No. 8 at page 100.

CLAIMS - ROSALIND PROCTOR - R. C. POFERL

The Assistant City Manager presented claims received from Rosalind Proctor and R. C. Poferl.

Mayor Wood referred the claims to the Corporation Counsel for investigation and recommendation.

PETITION - N. A. A. C. P. - RE: CARL WILLIAMS

The Assistant City Manager read a memorandum from the City Manager which stated that on March 27, 1975 a petition was received from Mrs. Grace B. Dorn, President of the Asheville Chapter of the NAACP, with an attached affidavit from Mr. Carl Williams. He said Council instructed him to investigate the matter and report back following the completion of the investigation. He said the investigation is under way, as directed, and a report would be presented as soon as completed.

PROCLAMATION - WEEK OF THE YOUNG CHILD - APRIL 6 - 12

Mayor Wood proclaimed the week of April 6 - 12 as "Week of the Young Child".

PROCLAMATION - COMMUNITY STANDARDS WEEK - APRIL 7 - 13, 1975

Mayor Wood proclaimed the week of April 7 - 13, 1975 as "Community Standards Week in the City of Asheville."

At the request of Councilman Horton, Mayor Wood read the proclamation in its entirety.

MRS. EMMA V. GUILKA - COMPLAINT RE: 68 FLINT STREET

Mrs. Guilka, 66 Flint Street, inquired as to the demolition status of 68 Flint Street.

of $9,707.79. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary
One (1) 1975 Model - 25,000 lb. GVW Conventional Cab and Chassis

Bidder	Bid
Asheville International Truck Sales	$9,710.00
Matthews Motors, Inc.	9,891.51
Apple Tree Chevrolet	9,707.79

ORDINANCE NO. 839 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1974-75

The Assistant City Manager presented an ordinance which would amend the budget transferring $9,500 from the Water Fund Contingency Account to the Water Fund Maintenance and Repair- City Sewer Division Capital Outlay Account.

Councilman Morris moved for the adoption of the ordinance. This motion was seconded by Councilman Ochsenreiter.

On a roll call vote of 6-0, Ordinance No. 839 passed on its first reading.

Councilman Colton moved to suspend the rules and proceed to the second reading of Ordinance No. 839. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 839 passed on its second reading.

Councilman Colton again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 839. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 839 passed on its third and final reading.

Complete text of Ordinance No. 839 will be found in Ordinance Book No. 6 at page 267.

RESOLUTION NO. 75-46 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE A RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE CROSSING THE INTERSECTION OF U. S. 25 (HENDERSONVILLE ROAD) AND S.R. 3181 (MILLER AVENUE)

8. Consideration was given to a resolution authorizing Mayor to execute a right of way encroachment agreement with the North Carolina State Board of Transportation for water line crossing the intersection of U. S. 25 (Hendersonville Road) and S. R. 3181 (Miller Avenue).

The Assistant City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Horton, Resolution No. 75-46 was unanimously adopted.

Complete text of Resolution No. 75-46 will be found in Resolution Book No. 8 at page 99.

Thursday - April 10, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., Bill B. Horton, J. W. Hoyle, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of the April 3, 1975 meeting.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Hoyle, the minutes of the April 3, 1975 meeting were approved as submitted.

ORDINANCE NO. 836 - AN ORDINANCE DIRECTING THE HOUSING OFFICER TO DEMOLISH THOSE DWELLING HOUSES KNOWN AS 30 PARKMAN AVENUE, 39-1/2 NORTH STREET, AND 955 WEST CHAPEL ROAD

2. Consideration was given to the second reading of Ordinance No. 836, an ordinance directing the Housing Officer to demolish those dwelling houses known as 30 Parkman Avenue, 39-1/2 North Street, and 955 West Chapel Road.

Mayor Wood read the names and addresses of the owners of the properties in question. He advised that members of Council had previously been furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 836 passed on its second reading.

Councilman Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 836. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 836 passed on its third and and final reading.

Complete text of Ordinance No. 836 will be found in Ordinance Book No. 6 at page 262.

ORDINANCE NO. 837 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1974-75 (ASHEVILLE HOUSING AUTHORITY)

3. Consideration was given to the second reading of Ordinance No. 837, an ordinance amending the operating budget of the City of Asheville for fiscal year 1974-75 (Asheville Housing Authority).

Mayor Wood advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 837 passed on its second reading.

J. E. Johnson, Building Inspector, informed her that the property in question is scheduled for a hearing sometime this month.

Mayor Wood instructed Mr. Johnson to advise Mrs. Guilka of the date for the hearing.

STATUS OF LEGISLATION FOR PENSION PLAN AND BOXING AND WRESTLING COMMISSION

Councilman Horton inquired as to the status of the legislation for the Pension Plan and the Boxing and Wrestling Commission.

Corporation Counsel William C. Moore said it was his understanding that the two proposed bills had been presented to the General Assembly.

CARL JOHNSON - COMPLAINT - MUD DEPOSITS ON COURTLAND

Mr. Carl Johnson inquired as to whether there was an ordinance that would require a contractor to clean up debris that had fallen on the streets from an uncovered truck. Mr. Johnson referred to a job Perry Alexander Construction Company was engaged in at the end of Courtland Avenue.

Mr. J. E. Johnson, Building Inspector, reported that there is an ordinance which requires the contractor to clean up the debris and that he would investigate the matter and report back to Council.

Mr. Carl Johnson asked for a report on his suggestion that the Landmark Hotel be purchased by the City for elderly housing.

Mr. W. C. King, Executive Director of the Asheville Housing Authority, advised that the Landmark Hotel has 312 units, consisting of 312 square feet per unit. He said HUD requires efficiency apartments to have 425 square feet and combining two rooms would reduce the capacity to only 156 units and purchasing them as housing for the elderly would cost more than the $20,400 per unit which HUD allows. Therefore, Mr. King said, it would not be feasible for the City to purchase the Landmark for elderly housing.

A.B. COLE - GROUP DEVELOPMENT - BEAVERDAM

Mr. A. B. Cole requested Council's approval for a group development on Beaverdam Road in order to get water connections.

Mayor Wood told Mr. Cole that the preliminary site plan would have to be presented to the Planning and Zoning Commission before receiving Council's approval and suggested that he contact Mr. Emrick, Director of Planning, for further information.

GEARA RADIO PROGRAM - PROCLAMATION - WBMU DAY

Mr. Jim Robinson informed Council that the GEARA Radio Project created by the Model Cities Commission would be going on the air Monday, April 7, 1975, as WBMU Station. He said the purpose of the station was to provide a public radio station to meet the needs of the public.

Mayor Wood commended the Board and the Staff of GEARA and proclaimed Monday April 7, 1975 as WBMU Day in the City of Asheville. He urged everyone to support the program.

Adjournment.

Richard A. Wood, R. — MAYOR

William F. McCarty — CITY CLERK

Mr. Bill Edens, Director of Water and Sewer Services, in answer to questioning by Council advised that the purchase of the hydrants was initiated due to a request from Skyland Fire Department that the hydrants in the Skyland area be upgraded. He said that the hydrants with the extended "bury" lengths were being bought for specific locations and that even though they might be used in certain locations in the City this type was not usually purchased for city use.

Councilman Morris expressed the opinion that he and perhaps other Councilmen had some apprehension about buying hydrants for areas that was considering incorporation.

Mr. Moore, Corporation Counsel, stated that he had a copy of an agreement between the City of Asheville and Buncombe County in which the City agreed to maintain the water facilities in the County as of September, 1958. He said it was his opinion that this implied the furnishing of water and not fire protection. He said the letter went on to say that improvements to the system could be negotiated and to his knowledge no negotiations had been made. At best he interpreted the letter to mean maintenance of the lines and maintenance of the hydrants in place at the time of the agreement.

Mr. Ernest Fulton, Chief of the Skyland Volunteer Fire Department, advised that the hydrants in question were to replace those that were covered up two years ago by the construction crews widening Hendersonville Road. He said he had a copy of the agreement between the City and County for the maintenance of the water lines. He pointed out that in Article 2 the City agreed to maintain the County lines in accordance with the same procedures as practiced in the City. He said that the fire hydrants were just as much a part of the system as the water tap and that as a result of a faulty hydrant a business in the Skyland area was lost. He said that this was one of the hydrants being asked to be replaced. He requested Council, on behalf of the people in this area and the fire department that they live up to the 1958 agreement.

Mayor Wood asked if there were any motions with reference to the bids and not receiving such a motion he ruled that no action would be taken at this time but that it could be placed on the agenda at any time at the request of any member of Council.

RESOLUTION NO. 75-48 - RESOLUTION ADDING WESTERN CAROLINA BANK AND TRUST COMPANY AS A DESIGNATED DEPOSITORY FOR CITY FUNDS

7. Consideration was given to a resolution adding Western Carolina Bank and Trust Company as a designated depository for city funds.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 75-48 was unanimously adopted.

Complete text of Resolution No. 75-48 will be found in Resolution Book No. 8 at page 101 .

RESOLUTION NO. 75-49 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA BOARD OF TRANSPORTATION FOR A WATER LINE EXTENDING EASTERLY ALONG U. S. 74 AT FAIRVIEW, NORTH CAROLINA FOR A DISTANCE OF 4,711 FEET.

8. Consideration was given to a resolution authorizing Mayor to execute right-of-way encroachment agreement with the North Carolina Board of Transportation for a water line extending easterly along U. S. 74 at Fairview, North Carolina for a distance of 4,711 feet.

ORDINANCE NO. 838 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1974-75 (PURCHASE OF DISPOSAL PARCEL NO. 1 - CIVIC REDEVELOPMENT PROJECT NCR-13)

4. Consideration was given to the second reading of Ordinance No. 838, an ordinance amending the operating budget of the city of Asheville for fiscal year 1974-75. (Purchase of Disposal Parcel No. 1 - Civic Redevelopment Project NCR-13).

Mayor Wood advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 838 passed on its second reading.

ORDINANCE NO. 840 - AN ORDINANCE PROVIDING FOR REVISIONS TO THE WATER RATES AND CHARGES

5. Consideration was given to an ordinance providing for revisions to the Water Rates and Charges.

The City Manager read the ordinance and called on Mr. Bill Edens for an explanation to Council.

Mr. Bill Edens, Director of Water and Sewer Services, explained that this ordinance was prepared to correct an error inadvertently made in a previous water rate ordinance which resulted in the larger consumers exceeding Council's policy of not increasing water rates beyond 15 per cent. He said customers affected by this error would be notified and their bills adjusted to the new rate.

Councilman Horton moved for the adoption of the ordinance. This motion was seconded by Councilman Ochsenreiter.

On a roll call vote of 5-0, Ordinance No. 840 passed on its first reading.

Coumcilman Morris moved to suspend the rules and to proceed to the second reading of Ordinance No. 840. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 840 passed on its second reading.

Councilman Morris again moved to suspend the rules and to proceed to the third and final reading of Ordinance No. 840. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 840 passed on its third and final reading.

Ordinance Book 6, page 268

BIDS - THIRTY (30) FIRE HYDRANTS FOR WATER AND SEWER DEPARTMENT

6. The City Manager read the recommendation of Mr. George Phipps, Purchasing Agent, recommending the low bid of $7,849.94, submitted by Silverman Company, be accepted.

The City Manager read the resolution.

Verl Emrick, Director of Planning, explained that the grant is for $16,000 and was to be used for planning purposes in connection with Mass Transportation for the City.

Upon motion of Councilman Morris, seconded by Councilman Horton, Resolution No. 75-52 was unanimously adopted.

Complete text of Resolution No. 75-52 will be found in Resolution Book No. 8 at page 105.

COUNCIL - RECESS

Mayor Wood called for a five (5) minute recess at 3:57 o'clock p. m.

Council reconvened at 4:05 o'clock p. m.

THOMS CABLEVISION - REQUEST FOR RATE INCREASE

Mr. Max Cogburn, representing Thoms Cablevision, requested a 14 per cent increase in cablevision rates. He presented materials which included reports which indicated the present rate and the proposed rate. Also included in the reports were rates charged by other cities of comparable size. He cited inflationary costs as the primary reason for the request.

Councilman Horton pointed out that Council had approved a request about a year ago and that the ordinance stated that the rates should be reviewed every three years.

After discussion, Corporation Counsel William C. Moore agreed that Council could waive the three year time limit and review the rates at their discretion.

Councilman Ochsenreiter pointed out that the public had subscribed to the service at a certain rate and he had some concern about increasing the rate at this time.

Mayor Wood suggested that Mr. Cogburn confer with Corporation Counsel William C. Moore and to prepare an ordinance for Council's consideration at next weeks meeting.

Mr. Carl Johnson complained that the Hillcrest Apartments was not included in the cablevision service. He was advised by the manager of Thoms Cablevision that the response for service from letters sent to the residents in this area was not sufficient to warrant the expense of running the cable.

PETITION - REPAIRS TO ROLLINGWOOD ROAD

The City Manager presented a petition from residents of Rollingwood Road requesting the road to be repaired and paved. He explained that this matter was being checked into.

Councilman Morris requested that Oteen Park Place be added to the list of streets needing repairs.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 75-49 was unanimously adopted.

Complete text of Resolution No. 75-49 will be found in Resolution Book No. 8 at page 102.

RESOLUTION NO. 75-50 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR A WATER LINE ON STATE ROAD 1121 AND N. C. 151 (PISGAH HIGHWAY)

9. Consideration was given to a resolution authorizing Mayor to execute right-of-way encroachment agreement with the North Carolina State Board of Transportation for a water line on State Road 1121 and N. C. 151 (Pisgah Highway).

The City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Ochsenreiter, Resolution No. 75-50 was unanimously adopted.

Complete text of Resolution No. 75-50 will be found in Resolution Book No. 8 at page 103.

RESOLUTION NO. 75-51 - RESOLUTION APPROVING AND ADOPTING THE ASHEVILLE THOROUGHFARE PLAN

10. Consideration was given to a resolution approving and adopting the Asheville Thoroughfare Plan.

The City Manager read the resolution.

Mayor Wood explained that this plan was the result of a number of public hearings and coordination between the staff and Department of Transportation in Raleigh. He said some revisions had been made by State officials.

Verl Emrick, Director of Planning, reviewed the plan and explained that this plan was an update of the 1961 plan prepared by Wilbur Smith and Associates. He answered general questions of Council relative to scheduling and annual updating.

He said that letters had been sent to the Department of Transportation asking that priority be given to the Valley Street Connector.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 75-51 was unanimously adopted.

Complete text of Resolution No. 75-51 will be found in Resolution Book No. 8 at page 104.

RESOLUTION NO. 75-52 - RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

11. Consideration was given to a resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as amended.

Mayor Wood advised that in the absence of a request for a public hearing the petition was denied.

CARL JOHNSON - COMPLAINTS

Mr. Carl Johnson expressed concern relative to the lack of fire protection for the residents of Skyland.

He also said that he was concerned about the recent arrest of the woman charged with being drunk when actually she was a diabetic and was suffering an insulin reaction when arrested. He said according to the paper she had been plead guilty and sentenced while she was a patient at the hospital.

Mayor Wood requested the City Manager to investigate the incident relative the Asheville Police Department's role in the matter.

GEORGE MOOREFIELD - COMPLAINT - POLICE BRUTALITY

Mr. George Moorefield, owner of two adult book stores, appeared before Council to complain of police brutality and police harrassment. He said that Council had passed an ordinance relative to his business endeavors that had been detrimental to him and had caused him financial loss. He said that the police had stopped him in his car for no reason and that one of his employees was served with a warrant on a narcotic charge for which he was innocent. He called the Asheville Police "storm troopers" who arrested anyone without a cause and threatened to fight them and the establishment.

MR. JAMES MAYS - 3 WEST CHAPEL CIRCLE - FIRE HYDRANT

Mr. James Mays, 3 West Chapel Circle, requested that a fire hydrant be place between West Chapel and Brooklet Street.

Mayor Wood instructed the City Manager to look into the matter.

LUTHUR HALL - 25 OLD WEST CHAPEL ROAD - FIRE HYDRANT

Mr. Luther Hall, 25 Old West Chapel Road, requested that a fire hydrant be placed within 1000' of his residence.

Mayor Wood instructed the City Manager to look into the matter.

REV. BILL HECKLER - STREET SERMON PERMITS

Rev. Bill Heckler inquired as to the procedure of obtaining a street sermon permit for the downtown area.

Mayor Wood informed him that street sermon permits are issued through the City Manager.

COUNCILMAN HORTON - COMMENDING ECKERD'S DRUG STORE AND INGLE'S MARKETS

Councilman Horton commended Eckerd's Drug Store and Ingle's Markets, Inc. for their recently adopted policy that objectionable publications would not be sold in their places of businesses.

RESOLUTION NO. 75-53 - RESOLUTION APPOINTING MEMBER OF BOARD OF EXAMINERS OF MOTION PICTURE OPERATORS (Roy B. Gibbs)

Consideration was given to a resolution appointing Roy B. Gibbs a member of Board of Examiners of Motion Picture Operators.

The City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, Resolution No. 75-53 was unanimously adopted.

Complete text of Resolution No. 75-53 will be found in Resolution Book No. 8 at page 106

RESOLUTION NO. 75-54 - RESOLUTION APPOINTING MEMBERS OF ASHEVILLE SCHOOL BOARD (John P. Holt and Patrick J. Price)

Consideration was given to a resolution appointing John P. Holt and Patrick J. Price as members of the Asheville School Board.

The City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Ochsenreiter, Resolution No. 75-54 was unanimously adopted.

Complete text of Resolution No. 75-54 will be found in Resolution Book No. 8 at page 107.

Councilman Morris moved that Mayor Wood write a letter to Mr. John Q. Schell thanking him for his services. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

CITY MANAGER'S REPORT - N.A.A.C.P. PETITION - CARL WILLIAMS

The City Manager reported that he was still receiving information on the Carl Williams' case and that he hoped to be in a position to make a report at next weeks meeting.

REQUEST FOR REZONING - STANLEY A. BRIGGS - 1026 SWEETEN CREEK ROAD

The City Manager read a letter from the Planning and Zoning Commission which recommended approval of Mr. Stanley A. Brigg's request to rezone Ward 7, Sheet 23, Lots 179-1/4 and 179-1/2 from R-3 Residential District to CS Commercial Service District.

Councilman Hoyle moved to schedule a public hearing on the rezoning request for May 1, 1975, to be advertised at the petitioners expense. This motion was seconded by Councilman Morris and unanimously adopted.

REQUEST FOR REZONING - R. W. JOHNSON ESTATE - WHITE PINE DRIVE AND BRACKETTOWN ROAD

The City Manager read a letter from the Planning and Zoning Commission which recommended that Mr. Anthony Redmon's request to rezone Ward 8, Sheet 10, Lots 57 and 68-1/2 and Ward 8, Sheet 11, Lot 52 be denied.

Verl Emrick, Director of Planning, said he had been informed by Mr. Redmon that a public hearing on the matter would not be requested.

After a discussion of whether to repair or replace, Vice-Mayor Marshall moved to table further consideration of the bids until next week, at which time Mr. Edens would submit his recommendations. This motion was seconded by Councilman Hoyle and carried unanimously.

Adjournment.

Richard D. Woodruff
MAYOR

Marian S. Pollard
CITY CLERK

In recognition of this he offered a resolution for Council's consideration commending these stores for their actions.

RESOLUTION NO. 75-55 - RESOLUTION OF COMMENDATION FOR COMMUNITY AWARENESS

Councilman Horton moved for adoption of the resolution and requested that a copy of the resolution be forwarded to both businesses. This motion was seconded by Councilman Hoyle. The resolution carried with Councilman Morris voting "no" stating that he felt Council should not commend a business for discontinuing the sale of objectionable publications while ignoring those businesses that always practiced this policy.

Resolution Book 8, page 108.

FIRE HYDRANT BIDS REOPENED

Mayor Wood reopened for discussion consideration of the bids for fire hydrants for the Skyland Area. He said that he did not want the meeting concluded without expressing his and Council's concern for the safety and welfare of everyone regardless of where they might live. He said he would certainly assume that if Skyland were to incorporate in the near future the problems and concerns that Council might have regarding the furnishing of hydrants to another incorporated area, would be resolved and that the area would take over the responsibility of water and fire protection. He stated further that he hoped that Council's decision not to take action on the purchase of the hydrants would not be interpreted as a lack of concern for the people in Skyland.

He recommended to Council that the bids on the fire hydrants be reconsidered at this meeting, if Council was inclined to do so.

Councilman Ochsenreiter moved, that in the light of the Mayor's comments, that the low bid submitted by Silverman Company to furnish thirty (30) fire hydrants at a cost of $7,849.98, be accepted.

Councilman Morris seconded this motion on the basis that it would take some time to install all the hydrants and that if during this period Skyland is incorporated, further installations would be discontinued.

Vice-Mayor Marshall moved to table the motion for a few weeks in order to give further consideration to the bids perhaps rebidding as it had been brought to his attention that some companies were not given an opportunity to bid.

This motion was seconded by Councilman Hoyle.

Mayor Wood called for a vote and the motion to table failed.

Councilman Ochsenreiter then withdrew his original motion to accept the low bid and Councilman Morris withdrew his second.

Jesse Jayne, a representative of a local hydrant distributor, was recognized and stated his company was satified with the way the bids were handled and was not asking for a rebidding of the hydrants. He said the City was getting a good hydrant at a fair price. He said that there was a question of whether the Skyland hydrants should be repaired or replaced and if a decision was made to repair then his company would like to be considered in the furnishing of the repair parts.

BIDS - BID REQUEST NO. 257 - THIRTY (30) FIRE HYDRANTS PER SPECIFICATIONS FOR WATER AND SEWER DEPARTMENT

4. Consideration was given to bids received April 7, 1975 for thirty (30) fire hydrants for the Water and Sewer Department.

The City Manager in presenting the bids read a memorandum from the Purchasing Agent and the Director of the Water and Sewer Department recommending the acceptance of the low bid from Silverman Company for Items 1 through 6 totaling $7,849.98.

Mr. Bill Edens, Director of Water and Sewer, read a memorandum from Robert Brown, Water Maintenance Superintendent, in which he recommended replacing thirty (30) hydrants in the Skyland Area with the new traffic models under consideration. He said the new models which would be used on the heavily traveled Sweeten Creek and Hendersonville Roads would reduce repair costs and water shut off time. He said the replacement with extra length bury hydrants as specified in the bid would eliminate the problem of some of the hose nozzles being buried. Mr. Edens concurred with Mr. Brown's recommendation.

Councilman Ochsenreiter moved to accept the low bid of Silverman Company to furnish thirty (30) hydrants for the Water and Sewer Department for a total cost of $7,849.98. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

BID SUMMARY

BID SUMMARY — CITY OF ASHEVILLE — BIDS OPENED: APRIL 7, 1975 - 2:00 PM

BID REQUEST NO. 257 — THIRTY (30) FIRE HYDRANTS PER SPECIFICATIONS FOR WATER AND SEWER DEPARTMENT

	DAVIS METER & SUPPLY CO. KNOXVILLE, TENN.		ITT GRINNELL CHARLOTTE, N.C.		CITIES SUPPLY SUMTER, S.C.		AMERICAN-DARLING VALVE & MANUFACTURE. BIRMINGHAM, ALA		U.S. PIPE & FOUNDRY CO. BIRMINGHAM, ALA.		SILVERMAN COMPANY ASHEVILLE, NC	
	unit	ext.	unit	ext.	unit	ext.	unit	ext.	unit	ext.	unit	ext.
ITEM 1 - 12 Flanged 48" Bury	264.02	3,168.24	263.58	3,162.96	274.00	3,288.00	284.50	3,414.00	294.00	3,528.00	253.75 ✓	3,045.00
ITEM 2 - 30 Mech. Joint - 34" Bury	269.09	2,690.90	265.95	2,659.50	279.00	2,790.00	294.25	2,942.50	305.00	3,050.00	262.08 ✓	2,620/80
ITEM 3 - 2 Flanged 60" Bury	274.18	548.36	268.50	537.00	283.00	566.00	294.50	589.00	307.00	614.00	264.75 ✓	529.50
ITEM 4 - 2 Flanged 66" Bury	279.28	558.56	273.42	546.84	288.00	576.00	299.75	599.50	314.00	628.00	270.38 ✓	540.76
ITEM 5 - 2 Flanged 72" Bury	284.35	568.70	278.30	556.60	293.00	586.00	304.68	609.20	321.00	642.00	275.77 ✓	551.54
ITEM 6 - 2 Flanged 78" Bury	289.43	578.86	283.20	566.40	302.00	604.00	309.60	619.20	327.00	654.00	281.29 ✓	562.58
TOTAL:		8,113.62		8,029.30		8,410.00		8,773.40		9,116.00		7,849.98 ✓
TERMS:	NET 30 DAYS		2% 10th Prox. NET 30		2% 10 DAYS NET 30		NET 30 DAYS		NET 30		NET 30	
DELIVERY:	6 - 8 WEEKS		8 - 16 WEEKS		30 DAYS		30 - 60 DAYS		8 - 10 WEEKS		4 WEEKS	
MAKE:	MUELLER A24012		KENNEDY K-10-S		M & H 29-Z		DARLING B-5Z8		AP SMITH 2-200		KENNEDY K-10-S	
BID DEPOSIT:	5% BID BOND		5% BID BOND		5% CERTIFIED CHECK		5% BID BOND		5% BID BOND		5% CERTIFIED CHE	

Thursday - April 17, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., J. W. Hoyle, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of the April 10, 1975 meeting.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, the minutes of the April 10, 1975 meeting were approved as submitted.

Mayor Wood noted that Radio Station WBMU was broadcasting the proceedings of the Council meeting for the first time. He took the opportunity to again congratulate them on their efforts and to wish them well.

ORDINANCE NO. 837 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1974-75 (ASHEVILLE HOUSING AUTHORITY)

2. Consideration was given to the third and final reading of Ordinance No. 837, an ordinance amending the operating budget of the City of Asheville for fiscal year 1974-75 (Asheville Housing Authority).

Mayor Wood advised that members of Council had previously been furnished with copies of the ordinance and it would not be read again unless it was specifically requested.

On a roll call vote of 4-0, Ordinance No. 837 passed on the third and final reading.

Complete text of Ordinance No. 837 will be found in Ordinance Book No. 6 at page 265.

ORDINANCE NO. 838 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1974-75 (PURCHASE OF DISPOSAL PARCEL NO. 1 - CIVIC REDEVELOPMENT PROJECT NCR-13)

3. Consideration was given to the third and final reading of Ordinance No. 838, an ordinance amending the operating budget of the City of Asheville for fiscal year 1974-75. (Purchase of Disposal Parcel No. 1 - Civic Redevelopment Project NCR-13).

Mayor Wood advised that the Council had previously been furnished with copies of the ordinance and that it would not be re-read unless it was specifically requested.

On a roll call vote of 4-0, Ordinance No. 838 passed on the third and final reading.

Complete text of Ordinance No. 838 will be found in Ordinance Book No. 6 at page 266.

The City Manager in presenting the request read a letter from Lawrence Holt, Director of Field Services for the Housing Authority which listed Parcel 115 on Ora Street as having an established price of $2,000 and a bid price of $2,100 and Parcel 156 located on Olive Street with an established price of $1,400 and a bid price of $1,450. He said that Mr. Milton Shuford and Mr. Cecil Beck had submitted the bids and planned the construction of two single family residences on the lots. He said that other lots were being processed and would be ready for resale in the near future.

Councilman Ochsenreiter moved to approve the Housing Authority's request to sell Parcel 115 for $2,100 and Parcel 156 for $1,450. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

CLAIM - WATER DAMAGE - 492 MERRIMON AVENUE - WAREHOUSE - JACOB P. DEMETRIS

The City Manager advised Council of a claim received from Jacob P. Demetris for flood water damage to merchandise stored in his warehouse at 492 Merrimon Avenue.

Mayor Wood acknowledged the claim and instructed the City Manager to turn the claim over to Mr. William C. Moore, Corporation Counsel for investigation.

CLAIM - PERSONAL INJURY ON THE PREMISES OF THE ASHEVILLE AIRPORT

The City Manager advised Council of a claim received from Mr. Joyce R. Orr for personal injuries caused when a steel door fell on him at the Asheville Airport.

Mayor Wood acknowledged the claim and instructed the City Manager to turn the claim over to Mr. William C. Moore, Corporation Counsel for investigation.

CITY MANAGER'S REPORT TO COUNCIL ON THE ARREST OF MRS. DORIS B. HART - APRIL 2, 1975

The City Manager read a report dated April 14, 1975 from Police Chief J. C. Hall, outlining the results of his investigation into Mrs. Hart's arrest. He also read statements of the arresting officers, J. M. Biggs and R. A. Queen as well as a statement of Mr. Ricky Haynes, a witness at the scene of the arrest.

At the request of Mayor Wood, the Corporation Counsel cited excerpts from the N. C. State Statutes relative to the requirements for medical care of prisoners in confinement facilities and the responsibilities of county jails to receive prisoners arrested by municipal law enforcement officers.

Mayor Wood accepted the report as information and instructed the City Clerk to include the written reports in the minutes of the meeting.

The reports are as follows:

BIDS - BID REQUEST NO. 258 - GALVANIZED CORRUGATED METAL PIPE FOR STREET DEPARTMENT

5. Consideration was given to bids received April 14, 1975 for galvanized corrugated metal pipe for the Street Department.

The City Manager in presenting the bids read memorandums from the Purchasing Agent and the Street Department Superintendent, who recommended the acceptance of the second low bid of Carolina Culvert Mfg. Inc. in the amount of $3,799.36. The recommendation was based on the 30 days difference in delivery dates with only a difference of $9.82. Mr. Bostic's memorandum pointed out that the pipe was to be used for two projects that were already behind schedule and he felt that they should not be further delayed.

Councilman Morris moved to accept the second low bid of the Carolina Culvert Mfg. Inc. in the amount of $3,799.36. This motion was seconded by Councilman Hoyle and carried unanimously.

CITY OF ASHEVILLE — BIDS OPENED: APRIL 14, 1975 - 10:00 A.M.

GALVANIZED CORRUGATED METAL PIPE FOR STREET DEPARTMENT

	WHEELING CORRUGATING COMPANY STATESVILLE, NC	CAROLINA CULVERT MFG., INC. RALEIGH, NC	SILVERMAN COMPANY & ASHEVILLE, NC	BILTMORE IRON & METAL CO. ASHEVILLE, NC	ASHEVILLE STEEL & SALVAGE ASHEVILLE, NC
ITEM #1 - 200' ft. 42" Galvanized Corr. Metal [illegible] gauge	14.09/ft.	14.44/ft.	16.96/ft.	Bid Submitted Failed to Include Bid Deposit and was Therefore Not Considered	Bid Mailed No Reply
[illegible] 2 - [illegible] 16 Bands	13.40 each	7.21 each	25.44 each		
ITEM #3 - 200' ft. 18" Galvanized Corr. Metal [illegible] - 16 gauge	3.68/ft.	3.98/ft.	4.51/ft.		
TAL, ITEMS 1, 2, 3	$3,770.40	$3,799.36 ✓	$4,701.04		
TERMS	10.85 (½ of 1% 10 Days - Net 30)	37.99 (1% 20 Days - Net 30)	-0- (Net 30)		
AGENT	$3,751.55	$3,761.37	$4,701.04		
	30 Days	Immediate - From Stock	7 Days		
DEPOSIT	5% Certified Check	5% Bid Bond	5% Certified [illegible]		

Silverman Company quoted prices are for Kaiser Corrugated Aluminum Culvert.

ASHEVILLE HOUSING AUTHORITY REQUEST FOR APPROVAL OF THE SALE OF TWO (2) RESIDENTIAL LOTS IN EAST RIVERSIDE RENEWAL AREA NCR-48

6. Consideration was given to a request from the Asheville Housing Authority that Council approve the sale of two (2) residential lots in the East Riverside Renewal Area NCR-48.

taken from her person by Jail Authorities, but no one looked to see what was on it or at least the Officers did not look.

After the explanation of the arrest, the question was asked by Mr. Talman about what would happen as to the public drunkeness charge pending against Mrs. Hart. It was agreed, and Mr. Talman said he would furnish me with the medical reports when available, that we would then take the matter up with the Court for disposition.

At this time I returned to Mrs. Jarvis the fifth of whiskey, with seal unbroken, that had been purchased April 2, 1975 at A. B. C. Store #4, and removed from the automobile of Mrs. Hart by the Officers.

A play-back of the tapes in the Police Department revealed that Mr. Joe Hart of Oakwood Mobile Homes, called the dispatcher and stated a lady had almost hit some cars on Patton Avenue and was drinking. Mr. Hart stated later to Assistant Chief Trulove that a young boy came to his office and asked him to call the Police, and he was relaying a message given him by the boy and at no time did he go across the street. Mr. Hart stated he did not know the people involved.

On Friday, April 11, 1975, Captain R. J. Branson gave me the name of Haynes and said he understood Mr. Haynes was the party standing by when the Officers arrived. I checked with the Buncombe County Ambulance Service and learned that Mr. Haynes worked for the Ambulance Service, but was not on duty. About 7:30 P. M., April 11, 1975, Mr. Haynes called my home and said he understood I wanted to talk to him. He stated he was the person at the scene of Mrs. Hart's arrest. I asked Mr. Haynes if he would make a statement about what had happended and he said he would. He stated he would be on duty at 7:30 A. M., April 12, 1975 at the old West Asheville Fire Station on Haywood Road at Westwood Place, and I informed him I would see him the next morning. I went by the Fire Station and asked Mr. Haynes to put in a statment, the facts about the Hart case. His statement is a part of this report.

I feel the Officers involved in no way acted improperly.. I also feel that Jail Personnel felt that Mrs. Hart was drunk or they would have called a Pari-Medic to check her. After a person is turned over to Jail Authorities, we have no further contact with the prisoner and therefore it would be the responsibility of Jail Personnel to detect anything wrong while the person is in their custody.

We, at no time were advised that Mrs. Hart had been sent to the hospital and knew nothing of the action taken by the Magistrate. Proper action in the matter would have been, in my opinion, to let the Court records show that Mrs. Hart had been taken to the hospital and released on her own recognizance until proper evidence could be presented in Court.

J. C. Hall
Chief of Police

April 14, 1975

On Wednesday, April 2, 1975, Officers Biggs and Queen arrested for public drunkeness, Mrs. Doris B. Hart on Patton Avenue across from Oakwood Mobile Homes, 1585 Patton Avenue. Mrs. Hart was removed from her automobile at approximately 7:45 P. M.

I, personally, was unaware of the arrest until Thursday afternoon, April 3, 1975, when I returned from City Hall where I attended City Council meeting. Assistant Chief Trulove informed me that Mrs. Hart's daughter, Mr. Jarvis, had been to the Police Station to talk to me about the arrest of her Mother. Assistant Chief Trulove advised Mr. Jarvis that I was out and asked her to return on Friday morning, April 4, 1975, to talk with me.

On Friday morning, the two arresting Officers and Captain R. J. Branson were asked to be present at 10:00 A. M. when Mrs. Jarvis returned so that it might be determined exactly what had happened on the previous Wednesday evening at the time of Mrs. Harts' arrest.

Mrs. Jarvis, with her Attorney, Mr. Fleming Talman, Jr., and another gentleman, came to my office. With the Officers mentioned above, and Assistant Chief Trulove present, the facts were given to Mrs. Jarvis and her Attorney.

Patrolman J. M. Biggs, assigned to car #10 with Patrolman R. A. Queen, said they had heard a call to a traffic car, operated by Patrolman Cecil Burnette, receive a call across from Oakwood Mobile Homes with reference to a car that had run up on the curb and being close by, car #10 proceeded to the scene where a car was stopped with a lady sitting in same. A young man was standing by whom the Officers believed to be an employee of Buncombe County Ambulance Service. The man told the Officers he thought the lady had been drinking and had almost hit two or three cars. Biggs stated that there was a strong odor of alcohol in the car and on the lady's breath. She was removed from her automobile and placed in the police car along with her dog which was also in the automobile. Biggs also stated that a fifth of whiskey was found in the automobile, unopened. Biggs stated Mrs. Hart was transported to the Buncombe County jail and there her belongings were removed by the Matron and Female Trustees of the jail. Male Officers do not search female prisoners, this is done by a Matron.

Biggs stated that the Matron found in the handbag of Mrs. Hart, a jar, about ½ pint in size, which had been a peanut butter jar, about half (½) full of whiskey. The jar, minus the whiskey, is in possession of the arresting Officers. Someone at the jail apparently emptied the whiskey from the jar. There was money in a billfold which Biggs said the Matron counted in the Officers presence, and that the Matron removed from the billfold, and handed to him the drivers license of Mrs. Hart so that he might get information for the arrest report. The Officers stated they did not go through the property of Mrs. Hart at anytime as this was left to the Matron. He said he noticed what he thought to be a charm on the watch of Mrs. Hart when her watch was

(continued)

April 2, 1975

I got behind a car on 19 & 23 at Ingles' and I noticed the car was going from one lane to the other, and I started to pass the car and it came into my lane, so I backed away from her and stayed behind her on up the road, and about in front of the Pay Less gas station, the car went into the center lane and almost hit a taxi, and she went back into the outside lane and the car went up on the sidewalk in front of the Mobile Home lot and it came back into the road and then she went back up on the sidewalk and stopped. I pulled to the side of the road and went back to talk to her and to see if I could help her. She would only put her window down about 5 to 6 inches so I could talk to her. As I was talking to her, I asked her if she had been drinking and she told me yes. I asked her if she was sick and she told me no, and I said if you are sick I would call for an ambulance and she said she was not sick, and I asked her if she was a diabetic and she said no, and that she was on the way home, so I had my wifes' little brother to go across the street to see if they would call a policeman out there. So they arrived there and I told them that I thought she had been drinking and then they talked to her, and I told them I was going to leave - so I left.

Statement made April 12, 1975 Ricky Haynes

TO WHOM IT MAY CONCERN:

The night of April 2, 1975, at approximately 7:45Pm, Officers Biggs and Queen were dispatched to Patton Avenue west of Mimosa Drive. The call was about a vehicle that had been forcing other vehicles off the roadway. After arriving at the scene we found a 1970 Chevrolet half on the street and half off the street on the curbing. A man was standing next to the vehicle on the drivers side talking to a person in the vehicle. We went to the vehicle and this man, later identified as ~~Jerry~~ Ricky Haynes, told us that this vehicle had forced him off the road and he had stopped the vehicle. He said that he was an ambulance driver and that the female driver was drunk. Officers Biggs and Queen tried to talk to the female in the vehicle, but she just mumbled and smiled. There was a strong odor of alcohol on the female and her eyes were bloodshot. The female was placed under arrest for public drunkness and placed in the rear seat of the police cruiser. A medium sized black and tan dog that was with the female in the vehicle was placed in the police cruiser with her. An unopened bottle of liquor was found in the floorboard behind the drivers seat. The female was transported to the Buncombe County Jail where she was turned over to jail personnel. The matron on duty was Mrs Bessie Redmon.

After taking the prisoner, jail personnel placed on the counter, a watch, a necklace, and three rings from the females person. Mrs Redmon removed a small jar, half full of liquor, from the females pocketbook, $87.87 in currency and change, assorted credit cards, and a drivers license with the name Doris Brinkley Hart on them. Mrs Hart was booked under this name. At no time did we see any diabetic identification on Mrs Hart.

J. M. Biggs
J.M. Biggs
R.A. Queen
R.A. Queen

3/22/75

At @ 8:45 pm we started to the county with THREE 10-83s. We came up Market St. And started by A's PACKAGE STORE, when I notice A crowd in front, one black subject was having trouble stand up, And I told B.11 "that we might as well get him to. We parked the WAGON in the lot At the ABC. STORE, BE hind A Motor-cycle, And went into A's. The subject that we saw was sitting At the BAR And we talked with same, And told him to go home, he said that he would comply. And we left.

We started back to the WAGON, And we saw A subject in the middle of the street And he could hardly walk, he saw us And turn And straggered into the Del Cardo Club.

We walk to the Del Cardo, And when we enter the door the Bar Tender was locking the door At the back.

I told B.11 that

CITY MANAGER'S REPORT TO COUNCIL ON THE "PADDY WAGON" CASE INVOLVING THE POLICE DEPARTMENT

The City Manager read a memorandum from Chief of Police J. C. Hall pertaining to his investigation into an accident involving the Police Department "Paddy Wagon" and the injury to one of the occupants. Accompanying the report were the statements of Patrolmen W. H. Dayton, Jr. and L. H. Phillips relative to the incident.

At the conclusion of the report Chief Hall advised that the men had been instructed, that in the future, not to leave anyone unattended in the vehicle but that on making an arrest to transport the prisoner directly to the Buncombe County Jail.

The City Manager advised that he had also issued a memorandum to this effect.

Mayor Wood accepted the report as information and instructed the City Clerk to include it in the minutes of the meeting. The reports and the attached statements follows:

MEMORANDUM TO: ERNEST J. WARD
CITY MANAGER

SUBJECT: PADDY WAGON

On March 22, 1975 at approximately 8:45 P.M., Patrolmen W. H. Dayton, Jr and L. H. Phillips were on their way to the county jail with two (2) men charged with public drunkeness, in the Paddy Wagon. Going down Market Street they observed a subject on the sidewalk who appeared to be intoxicated. They parked the Paddy Wagon on the parking lot on the corner of Eagle and Market Street, and went into Al's to check on the subject. When they left Al's place on Market Street to go back to the Paddy Wagon, they noticed another drunk standing in front of the Del Cardo Club. When he saw the Officers he went into the Del Cardo Club, and the Officers went in to check on him. When they came back out, they observed the Paddy Wagon being pushed down Market Street by four (4) of five (5) black subjects.

Officer Phillips attempted to get into the Paddy Wagon to stop it but was unable to do so. The Wagon continued on down Market and struck a vehicle in front of 44 Market Street and continued on down Market and struck a truck at the intersection of Market and Velvet. Both vehicles were parked at the time.

Four (4) young black males have been indicted for damage to City property by Officers of the Detective Division.

The men have been instructed not to leave anyone in the Paddy Wagon in the future when checking on places of business, but upon arrest should be taken directly to the county jail.

J. C. Hall
Chief of Police

5-24-75

At Approx. 8:45 P.M. Myself And Officer Phillips Were On Our Way To The County With Three 10-83's. We Were Traveling South On Market St. And Traveled On Down Market St. Passed Headquarters When We Observed An Intoxicated Black Male Standing In Front of Al's Package Store. When The Subject Saw Car #5 He Turned And When Inside Al's. I Then Parked The Wagon In The City Parking Lot Across From Al's And We Crossed The Street To Go Into Al's. Upon Entering We Found The Same Subject We Had Observed On The Side Walk Standing At The Bar. We Approached The Subject And Told Him, he had, had To Much To Drink. He Then Stated he Would Go Home If We Would Let Him. We Told Him to Go On, And He Did.

We Left Al's And Started Across The Street To The Wagon When We Noticed Another 10-56 Standing In Front of Club Del Carda. We Then Crossed The Street Toward The Subject As He Turned And When Through The Door of Club Del Carda. As We Approached The Club We Saw The Subject Go Through The Back Door And The Bar-Tender Go To The Door And Lock It. Upon Entering The Place We Asked The Bar-Tender If The Rooms Down Stairs Were Closed And He Said Yes. We Then Left The Club And Went Down Market St. To The Side Door of The Club To See If The Side Door WAS Unlocke Upon Reaching The Door We Found It To Be Locked Also.

we would try the door at the side. We walk down, and tried the door it was lock, but we could hear a crowd inside.

I told Bill, "Hell let's take these three onto the County." We turn to walk back to the wagon, when we look up there was 5 or 6 blacks, one walking beside the wagon guiding it and the rest pushing.

I hollowed "hey you 5.0B's" And at this time they turn and run into Als. I ran across the street and grabbed hold of the door and tried to get inside, it was moving to fast, and it slung me down on the street.

The wagon went down Market St. striking a parked car and then cross the street and run into a the side of a parked truck. The 10-83's in the back were Andy Capps (taken to Mission Hospital), Marion Wyatt and Charles Crain, (who was taken to jail)

Phillips

GEORGE MOOREFIELD COMMENTS

George Moorefield, owner of two adult bookstores in the vicinity of Pack Square, again appeared before Council and complained that he was being deprived of his legal rights and due process of law.

JIM GREY - COMMENTS

Mr. Jim Grey, commenting on the previous police reports, suggested that in the future, rather than have similar investigations carried out by the same department involved in the incident, that Council should consider having the Law and Order Committee of the Asheville Buncombe County Human Relations Council conduct such investigations. He said that this committee was composed of responsible individuals capable of carrying out such investigations.

PROCLAMATION - NATIONAL SECRETARIES WEEK

Mayor Wood proclaimed the week of April 20-26, 1975 as National Secretaries Week and April 23 as National Secretaries Day.

Adjournment.

Richard D Wood Jr
MAYOR

William F Maccarter
CITY CLERK

We Then Turned And Started Back To
The Wagon. When We Observed The Wagon
Being Pushed And Steered From Outside Down
Market St. The Subject's (Approx. 5) Lefted
The Wagon As It Crossed The Intersection
of Eagle St. With Market St. And Ran
Into Al's Package Store. Larry Ran Across
The Street And Tried To Get Into The
Vehicle, but Was Unable To, And Fell To
The Pavement. The Wagon Continued On Down
The Street And Struck A Parked Vehicle
In Front of 44 Market St. And Then
Continued On Down Market St. And Struck
A Truck At The Intersection of Market St.
And Velvet St.

W. H. Dayton Jr.

At the request of Mayor Wood, the City Manager read the proposed ordinance.

After discussion, Councilman Morris moved to approve the ordinance on the condition that an audit of the firm's costs be submitted before the third and final reading and that the language of the ordinance be amended to give the City a 5 per cent cut on all the company's cable television installation charges whether the customer is located in the City or County. This motion was seconded by Councilman Hoyle.

On a roll call vote of 3-1, Ordinance No. 841 passed on first reading with Councilman Ochsenreiter voting "no". Councilman Horton voted "aye" stating that he did so with reservations because of the concern for the hard-pressed citizens at this time.

Mayor Wood asked Mr. Cogburn to confer with Corporation Counsel William C. Moore to allow for the amendments referred to in Councilman Morris' motion.

ORDINANCE NO. 842 - ORDINANCE AMENDING SECTIONS 28-81 AND 28-81.1 AND ADDING SECTIONS 28-81.2 AND 28-81.3 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

3. Consideration was given to an ordinance amending Sections 28-81 and 28-81.1 and adding Sections 28-81.2 and 28-81.3 of the Code of Ordinances of the City of Asheville.

The City Manager read the ordinance and explained that as rewritten in 1973, G. S. 20-141 now provides that, unless the City adopts ordinances establishing higher or lower speeds than 35 miles per hour and unless otherwise posted, speed limits shall be 35 miles per hour inside municipalities and 55 miles per hour outside municipalities for all vehicles. He said the ordinance would establish speed limits of 10 miles per hour, 20 miles per hour, 25 miles per hour, and 30 miles per hour on certain specified streets.

Councilman Morris moved for the adoption of the ordinance. This motion was seconded by Councilman Horton.

On a roll call vote of 4-0, Ordinance No. 842 passed on its first reading.

REQUEST FROM AIR TERMINAL PARKING COMPANY - INCREASE IN PARKING RATES AT ASHEVILLE AIRPORT

4. The City Manager presented a request from Air Terminal Parking Company to increase parking rates at the public parking lot at the Asheville Airport. He said the present and proposed rates are as follows:

Present		Requested Increase	
0-2 hours	$ .35	0-2 hours	$ .40
Each Additional Hour	.15	Each additional hour	.15
9 hours - 24 hours	1.50	Maximum each 24 hours	1.75
Weekly	8.50	Weekly	8.75

In answer to Council's inquiries, Mr. Ron McDonald, Vice-President of Air Terminal Parking Company, said that the last increase was granted in May, 1972; that Air Terminal Parking Inc. operates 24 airport parking facilities and that other airport parking facilities in North Carolina are charging a rate of $1.75 per day. He said the percentage rental for the City is 45% of $0 - $75,000; 60% of $75,000 - $150,000 and 70% of all over $150,000 and that Air Terminal Parking Inc. paid the airport $10,412 in excess rentals bringing the rental rate total to $42,412. He said

Thursday - April 24, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Councilman Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., J. W. Hoyle, Bill B. Horton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/ City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Calvin W. Marshall and Councilman Henry E. Colton

Mayor Wood recognized the Asheville Buncombe County Youth Council members who had spent the day with various city departments in view of City Youth-In Government Day.

1. Approval of minutes of April 17, 1975 meeting.

Upon motion of Councilman Hoyle, seconded by Councilman Ochsenreiter, the minutes of the April 17, 1975 meeting were approved as submitted.

ORDINANCE NO. 841 - ORDINANCE AMENDING ORDINANCE GRANTING FRANCHISE TO THOMS BROADCASTING, INC.

2. Consideration was given to an ordinance amending ordinance granting franchise to Thoms Broadcasting Companies, Inc.

Mr. Max Cogburn, appearing again on behalf of Thoms Cablevision, reminded Council that he had presented his request for an increase in rates two weeks ago and that at Council's suggestion he had prepared an ordinance for their consideration. He said he had confered with Corporation Counsel William C. Moore and that Mr. Moore had reviewed and approved the proposed ordinance.

Councilman Morris said that he would prefer to study the proposed ordinance for at least a week before making a decision. He also questioned whether Council should consider an increase since the original ordinance specified that rate schedules would be studied every three years and Council had approved an increase about a year ago.

Mr. Cogburn argued that this time limit should be waived due to the unanticipated rapid increase in cost that had been experienced in the last year and a half. He said he felt Council had an obligation to protect the business and the service.

Councilman Horton said he felt it would be helpful to Council if the firm's gross profit margin was available for 1974.

Councilman Morris said he felt the service was being extended into the County when the City services were not completed. He said since the City receives 5 per cent of the installation charges on each installation, he would be more inclined to approve the requested increase if the City could receive 5 per cent on all installation charges.

In answer to Councilman Morris, Mr. John Jerose, Manager of Thoms Cablevision, said that the City receives priority on installations.

Councilman Ochsenreiter suggested that Thoms Cablevision submit a certified audit of the firms revenues and expenses in order that Council would have a basis for granting the requested increase.

RESOLUTION NO. 75-56 - RESOLUTION RECOMMENDING PAYMENT OF AUDIT FEES AND TRANSFER OF ALL OPERATING FIRST AND SECOND YEAR PROJECTS TO THE THIRD ACTION YEAR

7. Consideration was given to a resolution recommending payment of audit fees and transfer of all operating first and second year projects to the Third Action Year.

The City Manager read the resolution.

Mayor Wood explained that the resolution would close out the First and Second Action Year projects and phase excess funds into the Third Action Year.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Horton, Resolution No. 75-56 was unanimously adopted.

Complete text of Resolution No. 75-56 will be found in Resolution Book No. 8 page 109.

RESOLUTION NO. 75-57 - RESOLUTION RECOMMENDING FIRST PRIORITY THOROUGHFARE PROJECTS TO THE NORTH CAROLINA BOARD OF TRANSPORTATION FOR THE 1975-1982 HIGHWAY IMPROVEMENT PROGRAM

8. Consideration was given to a resolution recommending first priority thoroughfare projects to the North Carolina Board of Transportation for the 1975-1982 Highway Improvement Program.

The City Manager read the resolution.

Verl Emrick, Director of Planning, reviewed the various projects pointing out that the projects were listed in order of priority. He said that these would be presented at the Board of Transportation public meeting in Sylva on April 30, 1975.

After some discussion about the projects listed and the order of ranking in the proposed resolution, Councilman Ochsenreiter moved for the adoption of the resolution, amending the resolution by making the first priority under the category Thoroughfare Improvement to be the Charlotte Street and Murdock Avenue Connector with Merrimon Avenue at W. T. Weaver Blvd. The other projects were to be shown as needed but not ranked in priority order. This motion was seconded by Councilman Hoyle and carried unanimously.

It was the consensus of Council that the projects listed in the categories of Federal-Aid Safety Program and Federal-Aid Bridge Replacement Program were to be considered satisfactorily listed in the order of priority.

Complete text of Resolution No. 75-57 will be found in Resolution Book No. 8 at page 110.

RESOLUTION NO. 75-58 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AMEND - MENTS TO THE CITY OF ASHEVILLE ORDINANCE 813 (CITY OF ASHEVILLE EROSION CONTROL ORDINANCE) PURSUANT TO THE REQUIREMENTS OF THE STATE OF NORTH CAROLINA DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES, NORTH CAROLINA SEDIMENTATION CONTROL COMMISSION AND ARTICLE 4, CHAPTER 113A OF THE GENERAL STATUTES OF NORTH CAROLINA (SEDIMENTATION POLLUTION CONTROL ACT OF 1973)

9. Consideration was given to a resolution calling for a public hearing for the adoption of amendments to the City of Asheville Ordinance 813 (City of Asheville Erosion Control Ordinance) pursuant to the requirements of the State of North Carolina Department of Natural and Economic Resources, North Carolina Sedimentation Control Commission and Article 4, Chapter 113A of the General Statutes of North Carolina (Sedimentation Pollution Control Act of 1973).

the rental rate would be less this year due to gross rentals being down approximately 16% for the first three months of 1975 and due to a decrease in plane passengers at the airport. He said he did not foresee any immediate reversal of this trend. He said the proposed increase would be approximately 11% and it was anticipated that this increase would bring rentals back to last years figures.

Mr. McDonald explained to Councilman Hoyle that this increase did not effect the employees of the airport as they are not charged for parking.

Councilman Ochsenreiter moved to grant the increase requested by Air Terminal Parking, Inc. to be effective May 1, 1975. This motion was seconded by Councilman Hoyle and carried unanimously.

PRITCHARD PARK - IMPROVEMENTS - REVISIONS

5. Mr. Verl Emrick, Director of Planning, introduced Mr. Terry Roylance, a member of the Asheville Council of Architects of Quality '76, who reviewed their committee's plan for the revision of Pritchard Park. He said the plan did not substantially change the previously presented plan but that it did change the shape and location of the fountain, as well as the configuration of the green areas. He said that Phase I of the plan would not encompass the closing of Haywood Street, but that at a future date under Phase II, Haywood Street could be closed and this area developed into a walk through plaza.

Mr. Ray Kisiah, Parks and Recreation Director, advised that he had met with the architect group and he could see no real conflict between the original plan and the one now before Council for consideration. He said he had some minor recommendations that he was sure could be worked out.

Several specific details were brought up by Council relative to the number of seats; the amount of green area vs. concrete; and the use of open area concept in lieu of fencing. It was concluded that these details were important and would be considered, but that the approval of the overall concept was the primary issue before Council at this time.

Councilman Hoyle moved to approve in concept the plan as presented with the recommendation that more green area be added to the east side and that consideration be given to development of the maximum seating. This motion was seconded by Councilman Horton and carried unanimously.

Councilman Morris moved that Council's appreciation be extended to the Asheville Council of Architects for the time and effort spent in developing and presenting the Pritchard Park Plan. This motion was seconded by Councilman Horton and carried unanimously.

ASHEVILLE-BUNCOMBE COUNTY YOUTH COUNCIL-YOUTH-IN GOVERNMENT DAY - COUNCIL MEETING

6. At this time, members of the Asheville-Buncombe County Youth Council, concluding a day of visiting the various departments of City Government, took over the Council Chamber for their take-over meeting. This was a part of the Annual City Participation Day observed each year by the Youth Council.

During their session, approval was given for a year-round recreation program at Pisgah View Apartments, after a lengthy questioning of Ray Kisiah, Parks and Recreation Director, relative to the needs and cost of such a program.

3. Actions that have been taken recently include:

(a) Immediate reports by officers involved of injuries to persons being arrested.

(b) Persons being arrested are carried directly to jail.

(c) Arrangements for a course in human relations to be conducted in the Asheville Police Department by the North Carolina Human Relations Council.

Chief Hall advised Mayor Wood that without the record he could not give an accurate total of arrests for 1974, other than traffic violations, but he would assume that 6000 would be a fair estimate.

Mayor Wood said that it was not his or anyones intention to minimize the conduct of the Police Department but he recognized the fact that the job of being a police officer is a difficult one. He said we somehow expect a man to be an expert on human relations, the law and phycology and certainly he is not compensated at the rate of a PHD.

Chief Hall said that the training course in human relations referred to by the City Manager in his statement was being planned for all police officers. He said that this program would get started in October or November of this year.

Mayor Wood said that he had several inquiries as to why the police department was being investigated. He said that if this was the way it was interpreted it was being misinterpreted Any citizen, he said, has the right to make a complaint about the performance of any city employee, and that Council has an obligation to make an investigation of the complaint and to refer it to the proper department.

Councilman Morris added that he hoped that the police officers did not feel that Council was constantly "on their backs" and that their efforts were appreciated.

PROCLAMATION - YOUTH WEEK - APRIL 21-26, 1975

Mayor Wood proclaimed the week of April 21-26, 1975 as Youth Week in the City of Asheville.

Adjournment.

Richard D. Wood, Jr.
MAYOR

Frances J. Holcombe
CITY CLERK

The City Manager read the resolution .

Councilman Morris moved for the adoption of the resolution, setting the public hearing date for May 15, 1975. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Complete text of Resolution No. 75-58 will be found in Resolution Book No. 8 at page 112 .

RESOLUTION NO. 75-59 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE EXTENDING WESTERLY ALONG U. S. 19 AND 23 (PATTON AVENUE)

10. Consideration was given to a resolution authorizing Mayor to execute right of way encroachment agreement with the North Carolina State Board of Transportation for water line extending westerly along U. S. 19 and 23 (Patton Avenue).

The City Manager read the resolution.

Upon motion of Councilman Horton, seconded by Councilman Hoyle, Resolution No. 75-59 was unanimously adopted.

Complete text of Resolution No. 75-59 will be found in Resolution Book No. 8 at page 113 .

CITY MANAGER'S REPORT - PETITIONS FILED BY N.A.A.C.P. - POLICE DEPARTMENT

City Manager Ernest Ward submitted to Council a report incident to a petition from Mrs. Grace B. Dorn, President of the Asheville Chapter of the NAACP and a complaint filed by Mr. Carl Williams relative to an arrest made March 15, 1975. He said that Chief Hall had forwarded to him warrants and judgements on Carl Williams who had filed the complaint. He said that according to this information Carl Williams was found guilty of assault and not guilty on the charge of public drunkeness.

In addition, the City Manager made the following statement:

In view of recent concerns relative to events involving the Asheville Police Department several administrative actions and efforts have been initiated regarding these matters. These actions and efforts have included:

1. I have been advised by representatives of the Police Department, Community Relations Council, related City Departments, and others of procedures that could be used in obtaining facts and investigating procedural or human relations incidents involving the police department in the future, as well as, procedures for implementing a more positive police public relations program. I am taking these suggestions under advisement and have instructed members of my staff to prepare a report on various policies and procedures used in other comparable cities in North Carolina and other states.

2. Through the training efforts of the Police Department, training officers are instructed to continue to stress "Citizen Rights" and the importance of restraint from excessive force.

The City Manager was requested to read a prepared ordinance which would amend the Zoning Ordinance and rezone the property as petitioned.

Councilman Morris moved for the adoption of the ordinance. This motion was seconded by Councilman Horton.

On a roll call vote of 6-0, Ordinance No. 843 passed on its first reading.

Councilman Morris then moved to suspend the rules and to proceed with the second reading. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 843 passed on its second reading.

Again Councilman Morris moved to suspend the rules and to proceed with the third reading. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 6-0, Ordinance No. 843 passed on the third and final reading

Complete text of Ordinance # 843 will be found in Ordinance Book No. 6 at page 277.

PUBLIC HEARING - CITY OF ASHEVILLE REQUEST FOR FEDERAL GRANT PROJECT FOR MASS TRANSIT OPERATING ASSISTANCE

A public hearing was held to permit the general public to comment and provide opinion on the proposed project whereby the City of Asheville shall apply for a grant under the provisions of the Urban Mass Transportation Assistance Act of 1964, as amended, Section 5. The grant funds to be used to subsidize operating expenses of the Asheville Transit Authority bus service for a portion of Fiscal Year 1974-75. The amount of funds being applied for is $102,598.

Mayor Wood opened the public hearing at 3:13 o'clock p.m.

The City Manager read the notice and affidavit of publication setting the time, date and purpose of the public hearing.

Mr. Larry Ward, Transportation Planner for the City of Asheville, briefly reviewed the purpose of the Urban Mass Transportation Act and the National, State, and local level of federal funding available.

Mr. Ward explained that the City of Asheville was eligible for $131,916 for Fiscal Year '75. However, since the City was only applying for an Operating Assistance Grant, the City was eligible for only $102,598 for the period of time from December 1, 1974 through June 30, 1975 and the $29,318 remaining could be applied to the next two years appropriation.

Mr. Ward explained that the grant was on a 50/50 matching basis and that the City was required to maintain its cash contribution effort as a requirement of the grant.

Thursday - May 1, 1975 - 3:00 o'clock p.m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., J. W. Hoyle, Bill B. Horton, Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of April 24, 1975 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, the minutes of the April 24, 1975 meeting were approved as submitted.

PUBLIC HEARING - REZONING PROPERTY ON SWEETEN CREEK ROAD - MR. STANLEY A. BRIGGS

ORDINANCE NO. 843 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED

2. A public hearing was held to consider the rezoning of Lots 179-1/4 and 179-1/2, Ward 7, Sheet 23, from R-3 Residential District to CS Commercial Service District, owned by Mr. Stanley A. Briggs.

Mayor Wood opened the public hearing at 3:03 o'clock p.m.

The City Manager read the notice and affidavit of publication setting the time and date for the public hearing.

Mr. Robert McDonald of the Planning Division read a letter addressed to Council from the Planning and Zoning Commission recommending the rezoning as petitioned. He gave the following reasons for this recommendation:

1) The property is not suited for residential use;

2) The property is contiguous with the existing commercial service district north of the site;

3) Existing land uses in the immediate area along Sweeten Creek Road are predominantly commercial; and

4) It is believed that in this case there is definite justification for amending the Comprehensive Development Plan.

Mr. Briggs spoke in favor of the rezoning stating that he had operated a business at this location for 15 years until his building was damaged by fire and due to flooding conditions it was not feasible to rebuild on the same lot. The adjoining lots for which he was requesting a rezoning would eliminate the flooding problem.

Mr. Chuck Williamson also spoke in favor of the petition.

Mayor Wood closed the public hearing at 3:10 o'clock p.m.

WHILE THE CITY'S USE OF THESE FUNDS THIS FISCAL YEAR DOES NOTHING MORE THAN HELP COVER PART OF THE OPERATING DEFICIT OF THE EXISTING TRANSIT OPERATION, IT IS MY HOPE THAT IN THE FOLLOWING FISCAL YEAR MORE INNOVATIVE USE OF THESE FUNDS WILL BE PROPOSED.

LET ME STRESS SOME POINTS THAT I HAVE MADE AT PUBLIC HEARINGS IN THE PAST IN OTHER CITIES:

THE CITY'S TRANSIT PROGRAM MUST BE FULLY UNDERSTOOD BY RESPONSIBLE LOCAL OFFICIALS, AND THE ROLE OF TRANSIT IN THE CITY'S TOTAL TRANSPORTATION SYSTEM MUST BE FULLY RECOGNIZED.

IT MUST BE UNDERSTOOD THAT THE SERVICE IMPROVEMENTS RESULT IN SUBSTANTIAL INCREASES IN OPERATING COSTS - COSTS WHICH ARE NOT IMMEDIATELY OFFSET BY INCREASES IN FAREBOX REVENUES. HOWEVER, ONE MEANS OF OFFSETTING THESE OPERATING COST INCREASES IS TO LAUNCH A VIGOROUS MARKETING, MONITORING, AND EVALUATION EFFORT WHICH WOULD BE AIMED AT INCREASING RIDERSHIP ON THE CITY BUSES. IF THIS ISN'T DONE, THE OPERATING DEFICITS CAN SPIRAL TO THE EXTENT THAT EVEN THE LOCAL FUNDS REQUIRED TO MATCH THE FEDERAL OPERATING ASSISTANCE GRANTS WOULD BE HARD TO JUSTIFY IN THE CITY'S BUDGET. THE POINT I'M TRYING TO MAKE IS THAT PURELY THE MAINTENANCE OF CURRENT BUS RIDERSHIP LEVELS SHOULD NOT, AND NEVER SHOULD BE, AN ACCEPTABLE STATE OF AFFAIRS.

THE TRANSIT AUTHORITY AND THE CITY COUNCIL MUST MAINTAIN AN AWARENESS OF THE INTER-RELATING IMPACTS OF LOCAL DECISIONS CONCERNING LAND USE, DOWNTOWN DEVELOPMENT, PARKING AND FUTURE URBAN GROWTH AND THE DESIRED OBJECTIVES OF THE TRANSIT PROGRAM.

IN SHORT, SMART TRANSIT MANAGEMENT COUPLED WITH A SOUND, COORDINATED POLICY-MAKING PROCESS ON THE LOCAL LEVEL WILL BE ESSENTIAL BEFORE THE TRANSIT SYSTEM'S FULL POTENTIAL IS EVER REALIZED.

LET ME CLOSE BY SAYING THAT THE SERVICES (THOUGH LIMITED) OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION'S MASS TRANSPORTATION DIVISION WILL ALWAYS BE AVAILABLE TO ASSIST THE CITY IN OVERCOMING THE NUMEROUS PROBLEMS THAT ARE BOUND TO ARISE AS THE VARIOUS ELEMENTS OF ITS TRANSIT PROGRAM IS BEING IMPLEMENTED.

THANK YOU.

Mr. Ernest Ward, City Manager, commented that Mr. Michalove had received a memorandum from Mr. David C. Robinson, Director of Mass Transit, North Carolina Department of Transportation and Highway Safety, asking that his statement be entered into the transcript of the public hearing since other business would prevent him from attending the hearing.

The Mayor asked Mr. Larry Ward to read the statement.

Mr. Larry Ward read the statement as follows:

MR. MAYOR, CITY COUNCIL MEMBERS:

THE PASSAGE OF THE NATIONAL MASS TRANSPORTATION ASSISTANCE ACT OF 1974 LAST NOVEMBER MADE AVAILABLE FOR THE FIRST TIME FEDERAL FUNDS TO ASSIST URBANIZED AREAS THROUGHOUT THE NATION IN PAYING THE OPERATING EXPENSES OF THEIR TRANSIT SYSTEMS. IN THE CASE OF THIS CITY AND THE OTHER NINE URBANIZED AREAS IN NORTH CAROLINA THAT ARE BETWEEN 50,000 AND 200,000 POPULATION, THE DESIGNATED RECIPIENT OF THE FUNDS IS THE GOVERNOR OF NORTH CAROLINA.

ACTING AS THE GOVERNOR'S DESIGNEE, THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION HAS WORKED WITH CITY STAFF IN PREPARING THE DOCUMENTATION REQUIRED BY THE URBAN MASS TRANSPORTATION ADMINISTRATION TO ENABLE THE GRANT TO BE AWARDED. I TRUST THAT THE COOPERATIVE SPIRIT THAT HAS BEEN SO PREVALENT THROUGHOUT THIS PROJECT, WILL OVERFLOW INTO OTHER CITY/STATE PROJECTS.

THE MAIN PURPOSE BEHIND THIS FEDERAL OPERATING ASSISTANCE PROGRAM IS TO PROVIDE FUNDS TO URBANIZED AREAS THAT EXISTING TRANSIT PROGRAMS CAN BE EXPANDED. THE URBAN MASS TRANSPORTATION ADMINISTRATION HAS ENCOURAGED THE INCLUSION OF PROJECTS WHICH ARE DESIGNED TO SUPPLEMENT REGULAR ROUTE SERVICE SUCH AS NEIGHBORHOOD AND COMMUNITY-LEVEL TRANSIT SERVICE. SUCH PROJECTS MAY INCLUDE DEMAND-RESPONSIVE TRANSPORTATION, JITNEYS AND SPECIAL SERVICES FOR THE ELDERLY, HANDICAPPED, AND TRANSPORTATION-DISADVANTAGED.

Complete text of Resolution No. 75-60 will be found in Resolution Book No. 8 at page 114.

SALE OF DISPOSAL PARCEL 26 - CIVIC REDEVELOPMENT PROJECT N.C. R-13

6. Consideration was given to the approval of the sale of Disposal Parcel 26, Civic Redevelopment Project N. C. R-13.

Mr. W. C. King, Executive Director of the Asheville Housing Authority, recommended that Council consider the bid of $34,415.08 submitted by Thompson Builders, Inc. He said this company proposed to construct on the property an elevated structure of 12,500 square feet of office space at a cost of $263,000. He said the proposal called for the transfer of the deed before August 30, 1975 with construction to commence one month later.

Councilman Ochsenreiter moved to approve the bids of Thompson Builders, Inc. for $34,415.08. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

BIDS - CAST IRON PIPE FOR WATER AND SEWER DEPARTMENT

7. Consideration was given to bids received April 25, 1975 for the purchase of cast iron pipe for the Water and Sewer Department.

The City Manager presented the bids and read recommendations from the Purchasing Agent and the Director of the Water and Sewer Department to award the contracts to the following bidders:

Items 1 and 2 in the amount of $39,081.00 to the low bidder, Lynchburg Foundry.

Items 3 and 4 in the amount of $6,439.50 to Silverman Company.

Councilman Colton moved to award contract to low bidders Lynchburg Foundry, for $39,081.00 and Silverman Company for $6,439.50. This motion was seconded by Councilman Hoyle and carried unanimously.

BID SUMMARY — CITY OF ASHEVILLE — BIDS OPENED: APRIL 25, 1975 - 10:00 A.M.

BID REQUEST NO. 260 — CAST IRON PIPE

	DAVIS METER & SUPPLY CO. KNOXVILLE, TN	ITT GRINNELL CORPORATION CHARLOTTE, NC	SILVERMAN COMPANY ASHEVILLE, NC	CRANE SUPPLY ASHEVILLE, NC	MAJOCA CORPORATION ASHEVILLE, NC	LYNCHBURG FOUNDRY LYNCHBURG, VA
ITEM 1 - 1600' 6" Stab Joint	3.83/ft. $5,362.00	3.93/ft. $5,502.00	3.86/ft. $5,404.00	418.95/C ft. $5,865.30	4.18/ft. $5,852.00	3.75/ft. ✓ $5,250.00
ITEM 2 - 6300' 8" Stab Joint	5.53/ft. $34,839.00	5.63/ft. $35,469.00	5.53/ft. $34,839.00	599.35/ C ft. $37,771.65	5.98/ft. $37,674.00	5.37/ft. ✓ $33,831.00
ITEM 3 - 810' 6" Mech. Joint	4.07/ft. $3,296.70	4.25/ft. $3,442.50	4.07/ft. ✓ $3,296.70	427.35/Cft. $3,461.54	4.36/ft. $3,530.60	4.17/ft. $3,377.70
ITEM 4 - 540' 8" Mech. Joint	5.82/ft. $3,142.80	5.97/ft. $3,223.80	5.82/ft. ✓ $3,142.80	611.10/Cft. $3,299.94	6.10/ft. $3,294.00	5.00/ft. $2,700.00
TOTAL:	$46,640.50	$47,637.30	$46,682.90	$50,398.43	$50,270.60	$45,638.30
TERMS:	Net 30	Net 30	Net 30	2% 10 Days Net 30	2% 10 Days Net 30	2% 10, Net 30
DELIVERY:	Stock - 3 Weeks	Stock - 21 Days	1 - 2 Weeks	10 Days ARO	14 - 21 Days	1 Week ARO
BID DEPOSIT:	5% Bid Bond	5% Bid Bond	5% Bid Bond	5% Bid Bond	5% Certified Check	5% Bid Bond

A member of the City Council asked about the reduction in the bus rate for senior citizens.

Mr. Michalove explained that the Transit Authority would go to a half fare system for Senior Citizen and handicapped persons during off peak hours and if the HUD Community Development project for transportation was approved this would be extended to all hours.

Mr. Larry Ward explained that the City Council had previously passed a resolution to submit the grant application and no further formal action by the City Council was necessary.

The Mayor asked for comments by any citizens, there being none the public hearing was closed at 3:25 o'clock p. m. with instructions that the transcript be sent to the appropriate authority for inclusion with the application.

ORDINANCE NO. 842 - AN ORDINANCE AMENDING SECTIONS 28-81 AND 28-81.1 AND ADDING SECTIONS 28-81.2 AND 28-81.3 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

4. Consideration was given to the second reading of Ordinance No. 842, an ordinance amending Sections 28-81 and 28.81.1 and adding Sections 28-81.2 and 28-81.3 of the Code of Ordinances of the City of Asheville.

Mayor Wood announced that the ordinance dealing with establishing speed limits within the City Limits had already been read in its entirety and would not be re-read again unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 842 passed on the second reading.

RESOLUTION NO. 75-60 - RESOLUTION AUTHORIZING THE DEVELOPMENT OF AN ASHEVILLE CITY PARK BY THE ASHEVILLE CITY COUNCIL - MONTFORD COMMUNITY CENTER PROJECT

5. Consideration was given to a resolution authorizing the development of an Asheville City Park by the Asheville City Council - Montford Community Center Project.

The City Manager read the resolution.

Mr. Ray Kisiah, Director of Parks and Recreation, explained that the resolution would authorize the filing of an application with the Bureau of Outdoor Recreation for a grant of $145,000, which would represent 50% of the cost of $290,000 involved in the acquisition of land for the development of the Montford Community Center Project.

Council questioned whether the filing of the grant would obligate the City to construct a swimming pool in the project. In summary, Mr. Kisiah and Mr. Michalove explained that this was a land acquisition grant that would be matched with Model Cities and Community Development funds already appropriated, and that while the total plan for the area indicated a swimming pool, the City was not obligated to construct one. As such time as the City may apply to the federal government for a development grant there would then be an obligation to construct the pool. The matching funds for the development grant would also come from the Model Cities and Community Development Fund.

Councilman Ochsenreiter moved to adopt the resolution with the condition that additional information be furnished Council regarding its obligation to construct the swimming pool. Councilman Colton seconded the motion and it carried unanimously.

	MAJORCA CORPORATION ASHEVILLE, NC	CAROLINA PUMP & SUPPLY CHARLOTTE, N.C.	DAVIS METER & SUPPLY KNOXVILLE, TENN.	SOUTHERN METER & SUPPLY GREENSBORO	LYNCHBURG FOUNDRY LYNCHBURG, VA	SILVERMAN COMPANY ASHEVILLE, N.C.	ITT GRINNELL CORPORATION CHARLOTTE, NC	SUPPLY SPECIALTIES, INC. ASHEVILLE, NC	TENNESSEE SUPPLY ASHEVILLE, NC
ITEM 10 - 2 6" 45° [illegible] ELBOWS	32.84 ea $65.68	35.93 ea. $71.86	35.08 ea. $70.16	39.85 ea. $79.10	47.07 ea. $94.14	34.88 ea. $69.76	37.63 ea. $75.26	33.60 ea. $67.20 ✓	38.98 ea. $117.90
ITEM 11 - 3 6" 22½° [illegible] ELBOWS	32.84 ea. $98.52	35.93 ea. $107.79	35.35 ea. $106.05	39.85 ea. $119.55	47.07 ea. $141.21	34.88 ea. $104.64	37.73 ea. $113.89	33.60 ea. $100.80 ✓	38.95 ea. $176.85
TOTAL ITEMS 1 THRU 11	$5,024.84	$4,886.80	$4,932.57	$5,829.94	(No Bid 2 Items)	$4,784.80	$6,971.21	$5,081.73	$6,378.06
TERMS:	2% 10 - Net 30	Net 30	Net 30	2% 10 - Net 30	½% 10, Net 30	Net 30	2% 10th Prox. Net 30	Net 30	Net 30
DELIVERY:	Valves 21 - 30 Days Fitt. 14-21 Days	7 - 10 Days	Stock to 6 Weeks	15 - 30 Days	1 Week ARO	Stock to 3 Weeks	Stock to 4 Weeks	Approximately 1 Week	Fittings 4 Weeks Valves 16 Weeks
BID DEPOSIT:	5% CERTIFIED CHECK	5% BID BOND	5% BID BOND	5% BID BOND	5% BID BOND	5% BID BOND	5% BID BOND	5% CERTIFIED CHECK	5% BID BOND

BIDS - SUMMER UNIFORMS FOR POLICE DEPARTMENT AND WORK UNIFORMS FOR FIRE DEPARTMENT

9. Consideration was given to bids received April 15, 1975 for summer uniforms for the Police Department and work uniforms for the Fire Department.

The City Manager presented the bids and read a memorandum from the Purchasing Agent recommending the following:

Item 1 - Police Uniforms award to low bidder, Asheville Army Store, in the amount of $6,484.20 and for Item 2, the Fire Department uniforms award to the low bidder Asheville Army Store in the amount of $4,921.88. It was stated that the Chiefs of the Police and Fire Department concurred in the recommendation.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the contract to the low bidder, Asheville Army Store, in the amount of $11,406.08. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Bidder	Item #1 Summer Uniforms Police Department	Item #2 Work Uniforms Fire Department
Stinnette Uniform	$7,227.16	$6,484.20
Asheville Army Store	6,484.20	4,921.88

RESOLUTION NO. 75-61 - RESOLUTION AUTHORIZING RICHARD A. WOOD, JR. TO EXECUTE PARKING LOT LEASE OF PROPERTY OWNED BY DOROTHY J. MORGAN AND OTHERS

10. Consideration was given to a resolution authorizing the Mayor to execute a parking lot lease with Mrs. Dorothy J. Morgan and others.

Mr. Mike Smith advised Council that the present lease on this property, located at the corner of Rankin Avenue and Walnut Street, expired September 30, 1974 and that this was a re-negotiated lease to run until September 30, 1993, with an increase in the rental from $250.00 per month to $265.00 per month.

BIDS - CAST IRON MECHANICAL JOINT FITTINGS AND GATE VALVES

8. Consideration was given to bids received April 25, 1975 for Cast Iron Mechanical Joint Fittings and Gate Valves for the Water and Sewer Department.

The City Manager presented the bids and read a memorandum from the Purchasing Agent and the Director of the Water and Sewer Department recommending the following:

Items 1, 2, 4, and 5 award to low bidder Silverman Company in the amount of $3,615.04.

Items 6, 7, and 8 award to low bidder, Davis Meter and Supply Company in the amount of $419.21.

Items 3, 9, 10 and 11 award to Supply Specialties, Inc. in the amount of $705.60.

Total of all items $4,739.85.

Councilman Morris moved to award the contracts to the low bidders as recommended by the Purchasing Agent and the Director of Water and Sewer Department. This motion was seconded by Councilman Colton and carried unanimously.

ID SUMMARY

D REQUEST NO. 261

CITY OF ASHEVILLE

CAST IRON MECHANICAL JOINT FITTINGS

BIDS OPENED: APRIL 25, 1975 - 10:00 A

Page 1 of 2

	HAJOCA CORPORATION ASHEVILLE, NC	CAROLINA PUMP & SUPPLY CHARLOTTE, N.C.	DAVIS METER & SUPPLY KNOXVILLE, TENN.	SOUTHERN METER & SUPPLY GREENSBORO	LYNCHBURG FOUNDRY LYNCHBURG, VA	SILVERMAN COMPANY ASHEVILLE, N.C.	ITT GRISWELL CORPORATION CHARLOTTE, NC	SUPPLY SPECIALTIES, INC. ASHEVILLE, NC	TIDEWATER SUPPLY ASHEVILLE, NC
TEM 1 - 8 x 6 Y TEES	75.32 ea. $301.28	85.28 ea. $341.12	84.72 ea. $338.88	93.66 ea. $374.64	112.89 ea. $451.56	82.68 ea. $330.72 ✓	86.28 ea. $345.12	82.88 ea. $331.52	133.27 ea. $533.08
TEM 2 - 6 x 6 Y TEES	70.84 ea. $566.72	80.03 ea. $640.24	79.82 ea. $638.56	88.86 ea. $710.88	106.52 ea. $852.24	77.55 ea. $620.40 ✓	81.16 ea. $649.28	78.40 ea. $627.20	126.51 ea. $1012.08
TEM 3 - 6 x 6 D TEES	52.85 ea. $475.65	58.51 ea. $526.59	59.52 ea. $535.68	65.13 ea. $586.35	77.43 ea. $696.87	56.73 ea. $510.57	60.54 ea. $544.86	56.00 ea. $504.00 ✓	95.65 ea. $860.85
TEM 4 - 8" MJ TE VALVES	192.17 ea. $1345.19	169.09 ea. $1183.63	182.90 ea. $1280.30	212.76 ea. $1489.32	NO BID	166.16 ea. $1163.12 ✓	170.94 ea. $1196.58	186.29 ea. $1304.03	183.09 ea. $1281.63
TEM 5 - 6" MJ TE VALVES	123.98 ea. $1735.72	108.90 ea. $1524.60	217.90 ea. $1528.38	137.14 ea. $1919.96	NO BID	107.20 ea. $1500.80 ✓	110.29 ea. $1544.06	120.08 ea. $1681.12	118.01 ea. $1652.14
TEM 6 - 8" MJ OOS	15.82 ea. $79.10	17.76 ea. $88.80	15.28 ea. $76.40 ✓	20.85 ea. $104.25	26.80 ea. $134.00	18.26 ea. $91.30	18.56 ea. $92.80	17.09 ea. $85.45	25.53 ea. $127.65
TEM 7 - 6" MJ OOS	9.40 ea. $47.00	10.92 ea. $54.60	9.45 ea. $47.25 ✓	12.32 ea. $62.60	16.08 ea. $80.40	11.23 ea. $56.15	11.03 ea. $55.15	10.23 ea. $51.15	14.19 ea. $70.95
TEM 8 - 8"-45° ELBOWS	46.19 ea. $277.14	51.94 ea. $311.64	49.26 ea. $295.56 ✓	57.14 ea. $343.84	67.98 ea. $407.88	50.41 ea. $302.46	52.93 ea. $317.58	49.28 ea. $295.68	81.13 ea. $486.78
TEM 9 - 6" ELBOWS	32.84 $32.84	35.93 $35.93	35.35 $35.35	39.85 $39.85	47.07 $47.07	34.88 $34.88	37.63 $37.63	33.60 ✓ $33.60	58.95 $58.95

Thursday - May 8, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Councilmen Henry E. Colton, Bill B. Horton, Ralph D. Morris, Jr., J. W. Hoyle, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/ City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Calvin W. Marshall and Councilman Eugene C. Ochsenreiter

1) Approval of minutes of May 1, 1975 meeting.

Councilman Horton noted that his and Councilman Colton's names were left out of the list of Council members present for the last meeting. The City Clerk advised that this was an error and would be corrected.

Upon motion of Councilman Horton, seconded by Councilman Hoyle, the minutes of the May 1, 1975 meeting were approved as amended.

ORDINANCE NO. 842 - ORDINANCE AMENDING SECTIONS 28-81, 28-81.1 AND ADDING SECTIONS 28-81.2 AND 28.81.3 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE

2) Consideration was given to the third and final reading of Ordinance No. 842, an ordinance amending Sections 28-81, 28-81.1 and adding Sections 28-81.2 and 28-81.3 of the Code of Ordinances of the City of Asheville.

Mayor Wood announced that the ordinance dealing with establishing speed limits within the City Limits had already been read in its entirety and would not be re-read again unless there was a specific request to do so.

On a roll call vote of 4-0, Ordinance No. 843 passed on its third and final reading.

Ordinance Book 6 at page 272

ORDINANCE NO. 844 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1975 AND ENDING JUNE 30, 1976.

3) Consideration was given to an ordinance levying, assessing, imposing, and defining the license and privilege taxes of the City of Asheville for the fiscal year beginning July 1, 1975 and ending June 30, 1976.

The Corporation Counsel read the ordinance.

Councilman Colton moved for the adoption of the ordinance. This motion was seconded by Councilman Morris.

Upon inquiry of Mr. E. R. McCarthy relative to the low privilege tax paid by the local car race track, Councilman Morris explained that privilege tax rates are set by the North Carolina General Assembly and that any change would have to be initiated through legislation.

On a roll call vote of 4-0, Ordinance No. 844 passed on its first reading.

RESOLUTION NO. 75-62 - RESOLUTION AUTHORIZING APPLICATION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A GRANT UNDER PROVISIONS OF SECTION 701 OF THE HOUSING ACT OF 1954, AS AMENDED

4) Consideration was given to a resolution authorizing application to the

Councilman Morris moved to approve the resolution authorizing the execution of the new lease. This motion was seconded by Councilman Hoyle and carried unanimously.

Complete text of Resolution No. 75-61 will be found in Resolution Book No. 8 at page 115.

AGREEMENT WITH CAROLINA POWER AND LIGHT COMPANY FOR LIGHTING ON THE ASHEVILLE EXPRESSWAY

The City Manager presented to Council an amended agreement between the City of Asheville and the Carolina Power and Light Company for lighting on the Asheville Expressway. He said the new agreement would increase the rates as allowed by the North Carolina Utilities Commission from $3.10 per month for 21,000 lumen units to $3.85 per month. He said the payment section of the present agreement was also revised to reflect an increase in the payable period from ten to fifteen days with the inclusion of a late payment charge as provided in the Commission's rule R12-9.

Councilman Morris moved to authorize the Mayor to execute the amended agreement. This motion was seconded by Councilman Colton and carried unanimously.

PROCLAMATION - LAW DAY - MAY 1, 1975

Mayor Wood proclaimed May 1, 1975 as Law Day.

PROCLAMATION - RESPECT FOR LAW WEEK - MAY 1 - 7, 1975

Mayor Wood proclaimed the week of May 1 - 7 as "Respect for Law Week".

PROCLAMATION - BE KIND TO ANIMALS WEEK - MAY 4 - 11, 1975

Mayor Wood proclaimed the week of May 4 - 11, 1975 as "Be Kind to Animals Week".

PROCLAMATION - EXTENSION HOMEMAKER'S WEEK - MAY 5 - 9, 1975

Mayor Wood proclaimed May 5 - 9, 1975 as "Extension Homemaker's Week"

GEORGE MOOREFIELD - REQUEST FOR WARRANTS

Mr. George Moorefield, owner of two adult book stores inside the City and a local wrestling promoter, appeared before Council with the request that Mayor Wood issue warrants for three (3) Asheville policemen relative to an incident which occured at the Asheville Civic Center, in which he and his wife were involved. He said that he had been before all the judicial branches and was unable to secure the warrants. He said he was now appealing to the Mayor for the warrants. When Mayor Wood advised him that he did not have the authority to issue such warrants, Mr. Moorefield produced copies of the General Statutes, which he said, gave the Mayor this authority. Mayor Wood said he was not aware that he had such authority, but if he did he would deny the request to issue the warrants.

Adjournment.

Richard A. Wood, Jr.
MAYOR

Miriam D. Holcomb
CITY CLERK

Mr. John Ratliffe, of Sunset Drive, who with his partner, Mr. David McElyea have applied for the beer license for the "Graffitti Lounge" spoke in behalf of the application. He said that he and his partner were of good reputation; that they intended to operate a lawful business regulated by the State; that they had no connection with the former business and did not wish past problems to be held against their business enterprise. He said he realized that he had a parking problem but that he did not anticipate the level of business that was there before. He said the area was commercial in nature and did not prohibit this type of business. He said he recognized that some people objected to this type of business and it was proper that their objections should be noted, but that he did not think it was right to restrict the property indefinitely because of objection of the residents in the area. He said if there was a lawful objection, he was sure the ABC Board would recognize this fact and that if the license is refused they would abide by this decision. He said he felt that he and his partner were proposing to operate a legitimate and gainful business and it was their intention to pursue it until the matter was resolved through judicial channels.

Mr. Tom Muncie, 33 Maney Avenue, presented a petition to Council which he said was signed by 207 residents of the area, who opposed the issuance of the beer license for the "Graffitti Lounge". He said the petition would be presented to the ABC Board at the hearing on May 12, 1975.

Mr. Muncie proceeded to read the petition, after which Mayor Wood ordered that it be made part of the minutes of the meeting. The petition follows:

P E T I T I O N

"We the undersigned, do hereby request that the Alcoholic Beverage Control Board consider and act on the following petition:

That the granting of a license to serve beer and wine and that a brownbagging permit be DENIED to the owners and/or leasees of the Graffiti Lounge, which is located at 640 Merrimon Avenue in Asheville, N. C. This request for license denial is based on the following facts:

1) The Lounge is formerly known as the Office Lounge, an establishment which was a proven drug haven, hangout of undesirable elements of society, spawning ground for boisterous, obnoxious and indecent public behavior, and a general eyesore to the public for over two years. This lounge, and the adjacent property which contains a motel and a package store, were the source of outcry from the neighborhood for nearly two years. This included two petitions presented to the Asheville City Council, numerous arrests on the property for drug law violations, a mugging in the immediate area, an armed robbery at the adjacent package store, and finally the posting of a city policeman on the premises of the Office Lounge for approximately two months until the business closed.

2) There are already three businesses within 500 feet of the Graffiti Lounge that sell beer and wine.

3) The premises of the Graffiti Lounge do not offer enough space for adequate parking of customers, a problem that generated unwanted foot traffic throughout the neighborhood in the past.

4) We fear that the past reputation of this location will draw back the former unruly crowd and the problems associated with their behavior. Since the closing of the Office Lounge last fall, this neighborhood has returned to a quiet, respectable area where older people can walk to dine, shop and spend time for recreation. Should this lounge be allowed to re-open, these residents will once again be driven into the lonely confines of their homes, where they would spend many anxious hours worrying about the preservation of their property and person.

United States Department of Housing and Urban Development for a grant under provisions of Section 701 of the Housing Act of 1954, as amended.

The City Manager read the resolution.

Marvin Vierra, of the Planning Division, explained that this grant would continue the existing program of comprehensive planning for the City. He said the total program cost would amount to $52,500, with HUD providing $35,000. He then described the work program set out for the following year under the grant.

Upon motion of Councilman Morris, seconded by Councilman Horton, Resolution No. 75-62 was unanimously adopted.

Complete text of Resolution No. 75-62 will be found in Resolution Book No. 8 at page 116.

REPORT OF CHIEF J. C. HALL ON BEER PERMIT FOR "THE GRAFFITTI LOUNGE" - 640 MERRIMON AVENUE

5) Police Chief J. C. Hall reported to Council that Mr. John Ratliffe and Mr. David McElyea had applied for an on-premises beer license for the "Graffitti Lounge" formerly known as "The Office" located at the corner of Merrimon Avenue and Edgewood Road. He said he opposed the issuance of the license on the grounds of the close proximity of the location to the surrounding residential area, prior problems that were experienced when "The Office" was in operation and the lack of sufficient parking to accommodate a business of this type. He said at this point the N. C. Alcoholic Beverage Control Board had denied the application and that the appeal by the applicants was scheduled to be heard by the hearing officer on Monday, May 12, 1975 at 10:00 o'clock a. m. in the Buncombe County Court House.

At the request of Mayor Wood, City Manager Ernest Ward reviewed excerpts from the minutes of previous Council meetings of April 26, 1973, May 3, 1973, October 4, 1973, July 11, 1974, and July 18, 1974 relative to complaints and problems created by the operation of "The Office".

On inquiry from Councilman Morris, Chief Hall advised that it was a fact that at one time action was instigated to have the beer license for "The Office" revoked by the ABC Board, however, before this action could be completed "The Office" closed and voluntarily turned in its beer license.

Chief Hall also advised that on July 11, 1974, on Council's instruction, a police car was assigned to the area on the 3-11 shift. He said this continued until the middle of September when "The Office" closed. He said this was at the cost of some $700-$800 per month plus tying up the cruiser for this length of time. Councilman Horton said that he thought this was a significant factor to be considered.

At Mayor Wood's request, Corporation Counsel William C. Moore, gave his opinion that Council's only authority in the matter was to advise the ABC Board of the problems experienced in the past at this location and that in Council's opinion the health, welfare, and safety of community would be affected by the granting of the license. Further, Council could concur with the action taken by Chief Hall.

RESOLUTION NO. 75-64 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE, A CONTRACT WITH HOBSON CONSTRUCTION COMPANY, INC. FOR THE PROJECT KNOWN AS ORCHARD STREET - UTILITY RELOCATIONS AND STREET WIDENING

7) Consideration was given to bids received May 2, 1975 for the Orchard Street- Utility Relocations and Street Widening.

The City Manager read a memorandum from Gary R. McGill, from the Office of the City Engineer, which recommended the acceptance of the low bid submitted by Hobson Construction Company, Inc. in the amount of $54,095.00.

Gary McGill advised that this is a street reconstruction project on Orchard Street and that it is part of the Civic Redevelopment Project in that area and consists of the relocation of existing utilities; widening of the street with new curb and gutter; new drive entrances; new turn around; replacement of fence along the Expressway and the repaving of the entire new reconstructed street.

Councilman Morris moved to accept the low bid submitted by Hobson Construction Company in the amount of $54,095.00. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

Bidder	Bid
Hobson Construction Company, Inc.	$54,095.00
Paving Enterprise Company	55,942.50
Perry M. Alexander Construction Company	60,940.25

The City Manager then read the resolution authorizing the Mayor to execute a contract with Hobson Construction Company for the Orchard Street - Utility Relocation and Street Widening.

Upon motion of Councilman Colton, seconded by Councilman Morris, Resolution No. 75-64 was unanimously adopted.

Complete text of Resolution No. 75-64 will be found in Resolution Book No. 8 at page 118.

BIDS - ONE (1) CAB AND CHASSIS FOR POLICE DEPARTMENT

8) Consideration was given to bids received May 2, 1975 for one (1) cab and chassis for the Police Department.

The City Manager presented a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Apple Tree Chevrolet, Inc. in the amount of $4,036.65. He said this item was not budgeted for the current fiscal year, however, if it was Council's desire to accept the bid he was prepared to present an ordinance amending the budget for this purchase.

Councilman Hoyle moved to accept the low bid of Appletree Chevrolet, Inc. in the amount of $4,036.65. This motion was seconded by Councilman Horton and carried unanimously.

Bid Summary

Bidder	Bid
Carolina Truck and Body Company	$4,376.00
Dorato Motors, Inc.	4,162.61
Appletree Chevrolet, Inc.	4,036.65
Matthews Motors, Inc.	4,304.67

We do not want to see this beautiful area of north Asheville become infected again with an ugly cancer that nearly brought ruination to its residents. We would prefer to spend a quiet, peaceful summer, and not have to go through another hassle like those in the past."

Mrs. George Stewart, 95 Edgewood Road, said she was definitely opposed to the beer license application for the "Graffitti Lounge" and appealed to Council not to let the residents go through what they had been through before.

Mrs. L. A. Trumbo, 27 Maney Avenue, also spoke in opposition to the issuance of the license. She cited many past instances of undesirable behavior during the operation of "The Office" in the same location. She said that she was totally opposed to another operation of this type in this location and asked Council to send unfavorable recommendations to the ABC Board in their behalf.

Corporation Counsel Moore advised Council that they had the alternative to concurring with Chief Hall's recommendation, to go on record of being opposed to the recommendation, or take no action.

Councilman Horton stated that he would like to see Council pass a motion or resolution opposing the issuance of the license on similar grounds recommended by Chief Hall. He said he felt that Council should express an interest in this type of situation on behalf of all citizens of the City of Asheville and the general health, safety, and welfare of its citizens.

Councilman Morris moved that Council go on record as concurring with the Chief of Police's recommendation to the ABC Board that the application for an on-premises beer license for the Graffitti Lounge be denied. This motion was seconded by Councilman Hoyle and unanimously adopted by all Council members present.

Mayor Wood then directed the City Clerk to transmit to the hearing officer of the ABC Board, excerpts of the Council meeting relative to the action taken by Council in this matter. He further directed the City Clerk to transmit to the hearing officer excerpts of the minutes of previous Council meetings in which this matter was brought to Council's attention.

RESOLUTION NO. 75-63 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE A TIMBER SALE CONTRACT AMENDMENT FOR SALE NO. 8 WITH GENNETT LUMBER COMPANY

6) Consideration was given to a resolution authorizing the Mayor of the City of Asheville to execute a timber sale contract amendment for Sale No. 8 with Gennett Lumber Company.

The City Manager read the resolution and advised that this was a continuation of a contract with Gennett Lumber Company. He said the amount of $63,872.78 was less than the City had been receiving in the past several years due to the Forestry Consultant's recommendation that this amount be all the timber that is cut from the Asheville Municipal Watershed during the next fiscal year.

It was pointed out that the timber is cut primarily as a fire protection measure.

Upon motion of Councilman Colton, seconded by Councilman Morris, Resolution No. 75-63 was unanimously adopted.

Complete text of Resolution No. 75-63 will be found in Resolution Book No. 8 at page 117.

Councilman Morris moved for the adoption of Resolution No. 75-66 setting the public hearing date for May 29, 1975. This motion was seconded by Councilman Colton and carried unanimously.

Complete text of Resolution No. 75-66 will be found in Resolution Book No. 8 at page 120.

PETITION TO CLOSE PORTION OF SOUTHSIDE AVENUE AND RALPH STREET, AND ALL OF CURVE STREET, GRAHAM STREET, SOUTHERN STREET, THREE UNNAMED ALLEYS AND "DEATH" ALLEY - ASHEVILLE HOUSING AUTHORITY

11. The City Manager presented a petition from the Asheville Housing Authority requesting that a portion of Southside Avenue, and Ralph Street and all of Curve Street, Graham Street, Southern Street, Three Unnamed alleys and "Death" Alley be permanently closed. He advised Council that if they wished to consider the closing of these streets it would be necessary to pass a resolution setting a public hearing on the question and that if it was Council's wish he was prepared to present the resolution. On instructions from Mayor Wood he proceeded with the presentation of the following resolution.

RESOLUTION NO. 75-67 - RESOLUTION TO CLOSE A PORTION OF SOUTHSIDE AVENUE AND RALPH STREET, AND ALL OF CURVE STREET, GRAHAM STREET, SOUTHERN STREET, THREE UNNAMED ALLEYS AND "DEATH" ALLEY AND CALLING A PUBLIC HEARING ON THE QUESTION

Councilman Colton moved for the adoption of the resolution setting the date for the public hearing for June 5, 1975. This motion was seconded by Councilman Morris and carried unanimously.

Complete text of Resolution No. 75-67 will be found in Resolution Book No. 8 at page 121.

REQUEST FOR REZONING - JOHN WOODY - 9-1/2 EAST STARNES COVE

The City Manager read a letter from the Planning and Zoning Commission which recommended approval of Mr. John Woody's request to rezone Ward 15, Sheet 22, Lot 8-1/2 from CS Commercial Service District to R-3 Residential District.

Councilman Hoyle moved to schedule a public hearing on the rezoning request for June 5, 1975, to be advertised at the petitioner's expense. This motion was seconded by Councilman Horton and unanimously adopted.

GROUP DEVELOPMENT - AMENDMENT TO K-MART SHOPPING CENTER - PUBLIC HEARING SET

The City Manager read a letter from the Planning and Zoning Commission relative to the approval of an amended site plan of the K-Mart Shopping Center. The recommended approval was subject to the following conditions:

The developer shall agree and so state in writing that:

1. It is understood that access to Old Haw Creek Road is only granted on a temporary basis and that this access point will be closed upon the taking of Old Haw Creek Road by the N. C. Department of Transportation.

2. Any and all improvements necessary to make Old Haw Creek Road serviceable for traffic shall be borne by the developer; and

3. Access to Haw Creek Lane through the property currently owned by the Buncombe County School Board shall be approved in writing by the N. C. Department of Transportation and the Federal Highway Administration.

ORDINANCE NO. 845 - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR FISCAL YEAR 1974-75

The City Manager then presented an ordinance amending the 1974-75 Budget Ordinance by transferring $4,036.65 from the General Fund Contingency Account to the Police Department Capital Outlay Account for the purchase of one (1) cab and chassis for the Police Department.

Councilman Colton moved for the adoption of the ordinance. This motion was seconded by Councilman Horton.

On a roll call vote of 4-0, Ordinance No. 845 passed on its first reading.

Councilman Hoyle moved to suspend the rules and proceed to the second reading of Ordinance No. 845. This motion was seconded by Councilman Horton and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 845 passed on its second reading.

Councilman Morris moved to suspend the rules and proceed to the third and final reading of Ordinance No. 845. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 4-0, Ordinance No. 845 passed on its third and final reading.

Complete text of Ordinance No. 845 will be found in Ordinance Book No. 6 at page 282.

RESOLUTION NO. 75-65 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE DRUG AND ALCOHOL ABUSE ADVISORY COMMISSION (Herbert F. Moore)

9. Consideration was given to a resolution appointing Mr. Herbert F. Moore a member of the Asheville-Buncombe Drug and Alcohol Abuse Advisory Commission.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 75-65 was unanimously adopted.

Complete text of Resolution No. 75-65 will be found in Resolution Book No. 8 at page 119.

RESOLUTION NO. 75-66 - RESOLUTION CALLING FOR A PUBLIC HEARING TO OBTAIN THE VIEWS OF CITIZENS ON THE PROPOSED CONSTRUCTION OF IMPROVEMENTS TO THE ASHEVILLE AIRPORT

10. Consideration was given to a resolution calling for a public hearing to obtain the views of citizens on the proposed construction of improvements to the Asheville Airport.

The City Manager read the resolution and advised that this hearing is part of the required federal procedure in the plans to extend the runway and other improvements at the Airport. He said the report would be presented by Talbert, Cox and Associates during the public hearing.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Henry E. Colton, Bill B. Horton, Ralph D. Morris, Jr., J. W. Hoyle, Acting Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Eugene C. Ochsenreiter, Jr. and Corporation Counsel William C. Moore

1) Approval of minutes of May 8, 1975 meeting.

Upon motion of Councilman Colton, seconded by Vice-Mayor Marshall, the minutes of the May 8, 1975 meeting were approved as submitted.

ORDINANCE NO. 844 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1975 AND ENDING JUNE 30, 1976

2) Consideration was given to the second reading of Ordinance No. 844, an ordinance levying, assessing, imposing and defining the license and privilege taxes of the City of Asheville for the fiscal year beginning July 1, 1975 and ending June 30, 1976.

Mayor Wood announced that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Acting Corporation Counsel Robert J. Robinson advised that Mr. Moore would give an opinion at next week's meeting before the third reading of the ordinance relative to the suggestion made by Mr. E. R. McCarthy that a $100 permit be required for all cars raced in an exhibition.

Upon inquiry of Councilman Horton, Mr. Bradley, Tax Collector, advised that the race track was classified under the Miscellaneous License Section and that Council has the authority to set rates for Miscellaneous License so long as they are consistent with similar businesses.

After discussion, Mayor Wood directed that the Corporation Counsel confer with the Tax Collector relative to amending the ordinance concerning miscellaneous licenses before the third and final reading of the Revenue Ordinance for 1975-76.

On a roll call vote of 5-0, Ordinance No. 844 passed on its second reading.

PUBLIC HEARING - AMENDMENTS TO ORDINANCE 813 (CITY OF ASHEVILLE EROSION CONTROL ORDINANCE)

ORDINANCE NO. 846 - AN ORDINANCE AMENDING SECTION 8-73E, SECTION 8-74, SECTION 8-75, SECTION 8-77, SECTION 8-79 AND SECTION 8-86 OF CHAPTER 8, ARTICLE V OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE CITY OF ASHEVILLE EROSION CONTROL ORDINANCE.

Further, the Asheville Planning and Zoning Commission recommends that traffic on Old Haw Creek Road be one-way on all segments.

Councilman Hoyle moved to set a public hearing for the amended site plan of the K-Mart Shopping Center for June 5, 1975. This motion was seconded by Councilman Horton and carried unanimously.

PROCLAMATION - HOSPITAL WEEK - MAY 11 - 17, 1975

Mayor Wood proclaimed the week of May 11-17, 1975 as "Hospital Week".

MOTHER'S DAY - SUNDAY, MAY 11, 1975

Mayor Wood commended the observance of Mother's Day on Sunday, May 11, 1975.

CORPORATION COUNSEL'S REPORT - POWER OF MAYOR TO ISSUE WARRANTS

Corporation Counsel William C. Moore reported that since last weeks meeting when Mr. George Moorefield advised the Mayor that he had the authority to issue warrants, he had researched the matter and under North Carolina General Statutes 7A-274 entitled Powers of the Mayors and Law Enforcement Officers, Etc. to issue warrants and set bails is restricted. The power of mayors, law enforcement officers, and other persons not officers of the General Courts of Justice to issue, arrest, search or peace warrants or set bails is terminated in any District Court District upon the establishment of a District Court therein. Therefore, the Mayor does not have the authority to issue warrants.

E. R. McCARTHY - SUGGESTED REGULATIONS AND CONTROL OF RACE TRACKS

Mr. McCarthy suggested that Council consider the adoption of an ordinance which would require that anyone operating a motor vehicle in an exhibition or race without using a standard muffler in such a way as to reduce the noise of the equipment shall be required to obtain a permit to operate such a vehicle at a cost of $100 for each exhibition or race.

Mayor Wood instructed the Corporation Counsel to investigate the legality of such an ordinance proposed by Mr. McCarthy.

Adjournment.

Richard A. Wood Jr.
MAYOR

Marianne S. Barnett, Jr.
CITY CLERK

5) Consideration was given to a resolution for disposition of reprogrammable Asheville Model Cities funds for close out activities.

The City Manager read the resolution.

Logan Delany, Executive Director, stated that this resolution would take care of all of the reprogrammable funds.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 75-69 was unanimously adopted.

Complete text of Resolution No. 75-69 will be found in Resolution Book No. 8 at page 125.

COMMUNITY DEVELOPMENT APPROPRIATIONS

6) Ken Michalove, Assistant City Manager, reported that the City had received a letter from Housing and Urban Development regarding the City's Community Development application and that they had determined that the Transportation Project for the Elderly and Handicapped in the amount of $65,000 was ineligible and must be re-appropriated to one of the other approved projects. He said HUD felt that the City could accomplish the same purpose for the Transportation Project under the Mass Transit Subsidy funds available. He said in reviewing the appropriations made in the application it was determined that $6,000 too much was appropriated to the Contingency Fund, therefore, the total amount to be reallocated was $71,414.

Mr. Michalove recommended that funds be split between the Physical Improvement funds for Streets and Sidewalks in the Burton Street Area and the Montford Area Rehabilitation funds. He said that the Contingency Fund still carried $250,000 and this could be used for any of the areas that needed more in the future.

After discussion, Councilman Morris moved to accept the recommendation of Mr. Michalove and re-appropriate the $71,414 evenly between the Burton Stret Area and the Montford Rehabilitation Area. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

APPEAL OF KENNETH J. BISHOP - DISCHARGED FROM THE ASHEVILLE FIRE DEPARTMENT

The City Clerk reported that he had received correspondence from James G. Hugenschmidt relative to the dismissal of Kenneth J. Bishop from employment of the Asheville Fire Department. He said in summary the letter requested that the City Council approve or disapprove the report from the Civil Service Board filed with the City Clerk on May 5, 1975 relative to the employment of Kenneth J. Bishop.

Mayor Wood directed that the Civil Service Commission forward to Council the transcript of the hearing and their findings of fact and Council would then advise Mr. Hugenschmidt of the date set for the hearing on the matter.

3) A public hearing was held concerning the adoption of amendments to City of Asheville Ordinance 813 (City of Asheville Erosion Control Ordinance).

Mayor Wood opened the public hearing at 3:09 o'clock p. m.

The City Manager read the notice to the public and affidavit of publication setting the time and date for the public hearing.

J. E. Johnson, Building Inspector, said that after Ordinance 813 was adopted a copy was forwarded to the Sedimentation Division of the Natural Resources and Economics Department for review. After reviewing, recommendations for amendments were made by the Department in order to conform with State Statutes and these recommendations were included in the proposed ordinance.

At the Mayor's request, Mr. Johnson briefly reviewed the amendments.

The Corporation Counsel read the ordinance.

Mayor Wood closed the public hearing at 3:34 o'clock p. m.

Councilman Colton moved for the adoption of the ordinance. This motion was seconded by Councilman Morris.

On a roll call vote of 5-0, Ordinance No. 846 passed on its first reading.

PUBLIC HEARING - CLOSING OF JUNALUSKA STREET

RESOLUTION NO. 75-68 - RESOLUTION AND ORDER CLOSING AN ABANDONED PORTION OF JUNALUSKA STREET

4) A public hearing was held concerning a request by the Brooks-Howell Home that an abandoned portion of Junaluska Street be permanently closed.

Mayor Wood opened the public hearing at 3:38 o'clock p. m.

The City Manager read the resolution calling for a public hearing on the matter and the affidavit of publication setting the time and date for the public hearing.

Paul Smith, representing Brooks-Howell Home, said that the portion of Junaluska Street requested to be closed had been abandoned for many years. He presented a map showing the location proposed to be closed.

No one expressed opposition to the request that a portion of Junaluska Street be permanently closed.

Mayor Wood closed the public hearing at 3:43 o'clock p. m.

Upon motion of Councilman Horton, seconded by Councilman Hoyle, Resolution No. 75-68 was unanimously adopted.

Complete text of Resolution No. 75-68 will be found in Resolution Book No. 8 at page 123

RESOLUTION NO. 75-69 - RESOLUTION FOR DISPOSITION OF REPROGRAMMABLE ASHEVILLE MODEL CITIES FUNDS FOR CLOSE-OUT ACTIVITIES

Mayor Wood also instructed the City Manager to discuss with Mr. Johnson, the Building Inspector, the possibility of revising the heating inspection fees.

CARL JOHNSON - DRUG ABUSE IN THE HOUSING PROJECTS

Mr. Carl Johnson spoke to Council relative to the the open drug abuse being carried on in the Housing Projects. He suggested that at least two (2) uniformed officers be assigned to each of the Projects to deter the drug traffic. He also suggested using personnel from the Manpower Assistance Program.

Mayor Wood instructed Mr. Michalove to explore the possibility of securing personnel from the Manpower Assistance Program for this purpose.

Councilmen Colton and Horton commented that they felt the City should provide such security for these projects.

Adjournment.

Richard D. Wood Jr.
MAYOR

William J. Malcolm
CITY CLERK

BILTMORE COMPANY LEASE - BILTMORE PLAZA ON LODGE STREET

The City Manager advised that the lease for the property in Biltmore Plaza on Lodge Street occupied jointly by the Fire Station and the Biltmore Company had expired for the Biltmore Company. He said he needed direction from Council to give notice to the public that the Council will consider executing another lease for the property to the Biltmore Company at a meeting no earlier than May 29, 1975.

Councilman Morris moved to direct the City Clerk to publish a notice to the public that Council will consider executing such a lease with the Biltmore Company at the meeting on May 29, 1975. This motion was seconded by Councilman Horton and carried unanimously.

WNC AIR POLLUTION CONTROL BOARD - BUDGET APPROPRIATION

Mr. William L. Lovelace, Chairman of the Board, along with other members of the Board, appealed to Council for approval of an appropriation of $13,000 from the City of Asheville to the WNC Air Pollution Control Agency for fiscal year 1975-76. They also requested an additional $600 appropriation to complete the activities of the Agency for fiscal year 1974-75.

Mr. Ronald Boon, Director of the Agency, presented a break down of activities of the Agency which also showed revenue sources and expenditures. He reminded Council that the Air Pollution Control Agency made all heating inspections for the City of Asheville and therefore a portion of the funds allocated to them were returned to the City through heating inspection fees. He said an application had been submitted to the Environmental Protection Agency for a budget of $76,000 for fiscal year 1975-76 and he had received verbal approval of the application provided the Agency receives their local contributions, which is mandatory.

Councilman Morris said he still felt that funding for this project was "double taxation" on the part of the citizens of Asheville. He argued that other municipalities located in the County of Buncombe did not contribute to the Air Pollution Control Agency budget and they to received heating inspections from this agency.

Upon inquiry of Councilman Morris, Ken Michalove explained that every two years the City of Asheville is required to submit a Workable Program to Housing and Urban Development explaining what has been done and what has been projected for the next two years. He said in negotiating this application, for the past three years, HUD has encouraged the City to employ its own heating inspector.

Mr. Lovelace, Mr. Julian Woodcock, and Mr. Bill Stamey, members of the Board, encouraged Council to approve the Board's request and stated that this Agency had made tremendous progress since beginning its operation.

Councilman Morris said he felt it was Council's feeling that the two counties involved should totally fund the program, since Asheville was the only municipality who is requested to contribute.

Councilman Colton commented that he agreed with Councilman Morris, however he felt that this was a good program that needed to be continued.

After further discussion, Councilman Colton moved to instruct the City Manager to include in the proposed 1975-76 Budget an appropriation of $13,000 for the Air Pollution Control Board. This motion was seconded by Councilman Hoyle and carried unanimously.

He said a complete audit was not performed due to the length of time it would take and also due to the expense of going through a complete audit because several companies were involved.

Councilman Horton noted that in comparing 1973-74 the firm had "gained ground" from an increase granted on February 1, 1974 and that based on these projections the firm would be making a profit in 1975, without an increase.

Mr. Thoms commented that he did not feel that the firm would accomplish as much in 1975 as it did in 1974.

Councilman Ochsenreiter commented that it was his opinion that the subscribers bought this service feeling that there would not be an additional increase for at least three (3) years and he felt Council had an obligation to these citizens.

Mr. Thoms said that based on the rate of inflation, if Council waited three (3) years to grant an increase, that a possible 40% increase would be requested, which could possibly lead to the firm losing many subscribers. He said, if the increase was granted, he was willing to work out an arrangement for waiving the increase for one (1) year for anyone who was out of work or had been laid off from work and could not afford the increase. He also said, if the increase is granted, he was willing to waive the present charge of $2.00 per month for FM customers, after the initial FM connection charge of $10.00.

After a lengthy discussion, Councilman Morris moved to proceed to the second reading of the ordinance as presented, provided that before the third and final reading the ordinance would be amended to include the language providing for the City to receive 6% of connection charges derived from users outside the corporate limits, but served by the system within the City and to include the language the waiving of the firm's $2.00 monthly charge for FM service. This motion was seconded by Vice-Mayor Marshall.

On a roll call vote of 4-3, Ordinance No. 841 passed on its second reading with Councilmen Morris, and Hoyle, Vice-Mayor Marshall and Mayor Wood voting "aye" and Councilmen Ochsenreiter, Colton and Horton voting "no".

ORDINANCE NO. 844 - AN ORDINANCE LEVYING, ASSESSING, IMPOSING AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1975 AND ENDING JUNE 30, 1976

4. Consideration was given to the third and final reading of Ordinance No. 844, an ordinance levying, assessing, imposing and defining the license and privilege taxes of the City of Asheville for the fiscal year beginning July 1, 1975 and ending June 30, 1976.

Mayor Wood advised that the ordinance had been read in its entirety at a previous meeting and it would not be re-read unless there was a specific request to do so.

Mayor Wood asked Corporation Counsel William C. Moore for a report on the Miscellaneous License rates in response to a previous suggestion by Mr. E. R. McCarthy that a $100 permit be required for all cars raced in an exhibition. Mr. Moore reported that he had met with Mr. Fayne Bradley, Tax Collector, and they had contacted the Attorney General's Office for an opinion. He then read a letter from Mr. Guy of the Attorney General's Office into the record. Mr. Moore said that the City, by ordinance, could pass a higher tax for race tracks but it must be reasonable. He further stated that he thought Mr. McCarthy was talking about a "control" of the race track instead of a tax. He said that he would like to check with other cities to see

Thursday - May 23, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., J. W. Hoyle, Bill B. Horton, Ralph D. Morris, Jr., Henry E. Colton, Corporation Counsel William C. Moore, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: City Manager Ernest J. Ward

1. Approval of minutes of May 15, 1975 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, the minutes of the May 15, 1975 meeting were approved as submitted.

ORDINANCE NO. 846 - AN ORDINANCE AMENDING PORTIONS OF CHAPTER 8, ARTICLE V OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE CITY OF ASHEVILLE EROSION CONTROL ORDINANCE

2. Consideration was given to the second reading of Ordinance No. 846, an ordinance amending portions of Chapter 8, Article V of the Code of Ordinances of the City of Asheville known as the City of Asheville Erosion Control Ordinance.

Mayor Wood advised that the ordinance had been read in its entirety at the May 15, 1975 meeting and would not be re-read unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 846 passed on its second reading.

ORDINANCE NO. 841 - AN ORDINANCE INCREASING CABLEVISION SERVICE CHARGES OF THOMS BROADCASTING COMPANIES, INC.

3. Consideration was given to the second reading of Ordinance No. 841, an ordinance increasing cablevision service charges of Thoms Broadcasting Companies, Inc.

Mayor Wood advised that the ordinance had been read in its entirety at a meeting held several weeks ago and members of Council had raised several questions relative to the financial conditions of Thoms Cablevision and the possibility of amending the language of the ordinance to provide for the City of Asheville to receive 6% of the connection charges derived from users outside the corporate limits, but served by the system within the City.

Mr. Max Cogburn, representing Thoms Cablevision, stated that they had retained Mr. J. Donald Williams, CPA, to prepare a financial statement and that he was available to answer any questions. He also commented that an amended ordinance had been prepared for Council's consideration which included the language providing for the City to receive 6% of the connection charges from users outside the corporate limits.

After presenting members of Council with copies of a financial statement of Thoms Cablevision, Mr. Williams advised that he did not audit the firm for 1974, however, he had prepared the financial statement from their books for internal use. He said he reviewed records, tax returns, and work papers and was satisfied with the financial statement.

Rev. Porter spoke briefly in support of the Brown Temple CME Church's interest.

Councilman Colton moved for the approval of the addition of Block 20, Parcel 1 to the Asheville Housing Authority's acquisition schedule. Councilman Hoyle seconded the motion and it carried unanimously.

RESOLUTION NO. 75-71 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A SUPPLEMENTAL MUNICIPAL AGREEMENT WITH NORTH CAROLINA BOARD OF TRANSPORTATION RELATIVE TO CONSTRUCTION OF US 70-74 CONNECTOR IN ASHEVILLE FROM SOUTH OF US-70 TO I-40 AND US-74 INTERCHANGE

8. Consideration was given to a resolution authorizing the Mayor to enter into a supplemental municipal agreement with North Carolina Board of Transportation relative to construction of US 70-74 Connector in Asheville from South of US 70 to I-40 and US-74 Interchange.

The Assistant City Manager read the resolution.

Mr. Gary McGill, of the Engineering Division, reported that the original agreement stated that the City would relocate utilities in the construction project and the Board of Transportation would reimburse the City for such costs. However, this proposed amendment would reverse the agreement by the Board of Transportation relocating the utilities and the City reimbursing them. He said he would recommend approval of the amendment.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 75-71 was unanimously adopted.

Complete text of Resolution No. 75-71 will be found in Resolution Book No. 8 at page 127.

BIDS - OAK HILL PUMP STATION ADDITION

RESOLUTION NO. 75-72 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH MOUNTAIN SHORE CONSTRUCTION COMPANY, INC. FOR THE PROJECT KNOWN AS OAK HILL ROAD PUMP STATION ADDITION

9. The Assistant City Manager read a memorandum from Gary R. McGill, from the Office of the City Engineer, stating that the following bids were received on May 19, 1975:

Mountain Shore Construction Company	$4,970.00
M. B. Haynes Electric Corporation	5,774.00
Hobson Construction Company	6,230.00
Taylor and Murphy Construction Company	7,000.00

Mr. McGill recommended the acceptance of the low bid submitted by Mountain Shore Construction Company in the amount of $4,970.00

Upon inquiry of Vice-Mayor Marshall, Mr. McGill explained that this additional pump would supplement the existing pump helping to relieve some of the low water pressure problems in this area.

The Assistant City Manager read the resolution authorizing the Mayor to execute on behalf of the City, a contract with Mountain Shore Construction Company for said Oak Hill Pump Station Addition.

Upon motion of Councilman Morris, seconded by Councilman Horton, Resolution No. 75-72 was unanimously adopted.

how this was handled. He said Council could always pass an ordinance increasing the tax for the race track.

On a roll call vote of 6-0, Ordinance No. 844 passed on its third and final reading.

Complete text of Ordinance No. 844 will be found in Ordinance Book No. 6 at Page 278

RESOLUTION NO. 75-70 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR LEGAL SERVICES IN CONNECTION WITH THE ACQUISITION OF LAND FOR MONTFORD RECREATION CENTER

5. Consideration was given to a resolution authorizing the Mayor to enter into a contract for legal services in connection with the acquisition of land for Montford Recreation Center.

The Assistant City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, Resolution No. 75-70 was unanimously adopted.

Complete text of Resolution No. 75-70 will be found in Resolution Book No. 8 at page 126.

SALE OF DISPOSAL PARCEL NO. 11, CIVIC REDEVELOPMENT PROJECT N. C. R-13

6. Mr. W. C. King, Executive Director of the Asheville Housing Authority, described Parcel No. 11 containing 42,930 square feet. He said the current value is $1.45 per square foot, totaling $62,300.00. He further stated that the First Baptist Church has submitted a bid on the parcel and they were interested in using the lot for parking and landscaping.

After discussion, Councilman Hoyle moved to approve the sale of Disposal Parcel No. 11, Civic Redevelopment Project N. C. R-13, as presented, conditional upon the deed being delivered to the First Baptist Church when the City completes the existing road construction in the area. This motion was seconded by Councilman Horton and carried unanimously.

AMENDMENT TO PROPERTY ACQUISITION SCHEDULE FOR EAST RIVERSIDE URBAN RENEWAL PROJECT N. C. R-48. - Purchase of Brown Temple CME Church

7. Mr. W. C. King, Executive Director of the Asheville Housing Authority, reported that the Housing Authority wished to amend its property acquisition schedule by adding the Brown Temple CME Church consisting of a sanctuary and parsonage located on the corner of Phifer and Blanton Streets. Mr. King further reported that the City Inspection and Fire Departments had recommended the action and the Department of Housing and Urban Development concurred in the proposed acquisition if acquisition money was available. Mr. King stated that the pastor of the church had indicated that he was in favor of the acquisition. He said the church would temporarily relocate and would be interested in repurchasing the property, along with any other public agency, when the land is for resale. Mr. King indicated that there were 937 parcels to be acquired, with 760 acquired to date and he felt there would be adequate money in the acquisition budget for this purchase.

This motion was seconded by Councilman Colton and carried unanimously.

Bid Summary - Playground Equipment for Park and Recreation Department

Item	Bidder and Bid				
	GameTime, Inc.		Miracle Recreation		Sorenson Christian Industries
Item # 1 - 4 TB-16 Slides	$498.00/ea.	$1,992.00	$713.30/ea.	$2,853.20	No Bid
Item #2 - 4 #303 Merry Flyer	$299.00/ea.	$1,196.00	$362.30/ea.	$1,449.20	No Bid
Item #3 - 4 #2041 Flying Pony Swing Sets	$620.00/ea.	$2,480.00	$655.80/ea.	$2,623.20	No Bid

RESOLUTION NO. 75-73 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER LINE EXTENDING ALONG S. R. 3185, S. R. 3184, S. R. 3181, AND U. S. 25 FOR A DISTANCE OF APPROXIMATELY 3,000 FEET

12. Consideration was given to a resolution authorizing the Mayor to execute right of way encroachment agreement with the North Carolina State Board of Transportation for water line extending along S. R. 3185, S. R. 3184, S. R. 3181, and U. S. 25 for a distance of approximately 3,000 feet.

The Assistant City Manager read the resolution and explained that this encroachment was necessary to install a 12" line to serve the new Clark Equipment Company.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Colton, Resolution No. 75-73 was unanimously adopted.

Complete text of Resolution No. 75-73 will be found in Resolution Book No. 8 at page 130.

PETITION - DRUID DRIVE AREA PROPERTY OWNERS - REQUEST FOR RELIEF FROM PERIODIC FLOODING

The Assistant City Manager presented a petition received from residents and property owners from the Druid Drive area requesting relief from periodic flooding. The petition requested that the following action be taken:

"FIRST, as an initial step, we request a survey by competent professionals on the City staff to assess the origins and severity of the problem, and make specific recommendations as to measures necessary for its elimination or control; and

SECOND, If that survey confirms our suspicions that a culvert installed behind the T & H Tire Company is a major contributing factor because of its inadequate size and improper location and installation, we petition Council to determine the responsibility and force appropriate corrective measures to meet the standards set by the City's engineers; and

Complete text of Resolution No. 75-72 will be found in Resolution Book No. 8 at page 129.

BIDS - 2,800' CAST IRON PIPE FOR WATER AND SEWER DEPARTMENT

10. Consideration was given to bids received May 16, 1975 for 2,800' cast iron pipe for the Water and Sewer Department.

The Assistant City Manager read a memorandum from the Purchasing Agent recommending the acceptance of the low bid submitted by Lynchburg Foundry at $3.75 per foot, totaling $10,500.00. He advised that this pipe was inadvertently left off of a previous bid for cast iron pipe.

Councilman Ochsenreiter moved to accept the recommendation of the Purchasing Agent by awarding the bid to the low bidder, Lynchburg Foundry Company in the amount of $3.75 per foot, totaling $10,500.00. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary - 2,800' 6" cast iron water main pipe

Bidder	Bid	
Southern Meter and Supply Company	4.49/ft.	$12,572.00
Hajoca Corporation	4.00/ft.	11,200.00
Silverman Company	3.82/ft.	10,696.00
Lynchburg Foundry	3.75/ft.	10,500.00
Davis Meter and Supply Company	3.82/ft.	10,696.00

BIDS - PLAYGROUND EQUIPMENT FOR RIVERSIDE AND WEST ASHEVILLE PARKS

11. Consideration was given to bids received May 9, 1975 for playground equipment for Riverside and West Asheville Parks.

The Assistant City Manager read a memorandum from the Purchasing Agent which stated that Game Time, Inc. submitted the lowest bid for all three items, but met specifications on item 2 only. Therefore, it was recommended that the second low bidder, Miracle Recreation Equipment Company be awarded the bid for Item #1 (4- Slides) at $713.30 each totaling $2,853.20; that Miracle Recreation Equipment Company also be awarded the bid for Item #3 (4- Flying Pony Swing Sets) at $655.80 each totaling $2,623.20; and that Game Time, Inc be awarded the bid for Item #2 (4- Merry Flyers) at $299.00 each totaling $1,196.00. He said the purchase of this equipment was a part of the Park Improvement Program under Open Space Funding.

Mr. Kisiah, Parks and Recreation Director, advised that Game Time Inc. did not meet specifications on Items 1 and 3 due to the quality and durability of their equipment. He said the equipment would be stored until the new parks were completed. However, due to anticipated price increase it would be in the best interest to purchase the equipment now.

Councilman Morris moved to accept the recommendation of the Purchasing Agent by awarding the bids as follows:

Miracle Recreation Equipment Company
Item 1 @ $713.30 each - totaling $2,853.20
Item 3 @ $655.80 each - totaling $2,623.20

Game Time, Inc
Item 2 @ $299.00 each - totaling $1,196.00

that this home had been leased by the Blue Ridge Mental Health Center for a residential home for mentally handicapped adults which would be staffed 24 hours a day under supervision.

Mr. Johnson, Building Inspector, reported that his office had inspected the facilities and it was his opinion that the house would have to comply with code regulations the same as a rooming or boarding house.

Mr. Bob McDonald of the planning staff, reported that there was a possibility that this type of home could be classified as a conditional use under the R-3 District if they were proposing a hospital activity rather than a housing activity.

Corporation Counsel William Moore said that he thought more information was needed as to what type of home Blue Ridge Mental Health was proposing.

Mrs. Caulkins suggested that Council contact Mr. Tom Jones of the Blue Ridge Mental Health office and Mr. Bill Poplin of the Buncombe County Association for Retarded Citizens.

Mayor Wood instructed the Corporation Counsel to meet with representatives of Blue Ridge Mental Health and the planning staff to determine what was proposed and if they complied with zoning regulations.

PETITION - RESIDENTS OF RAVENSCROFT DRIVE - REQUESTING RELIEF OF NOISE AND POLLUTION FROM THE COLEMAN TIRE COMPANY

Mayor Wood presented a petition received from residents of Ravenscroft Drive requesting the control of the noise and pollution created by the Coleman Tire Company.

Mayor Wood instructed that copies of the petition be forwarded to the WNC Air Pollution Control Board and to the Coleman Tire Company.

PENSION LEGISLATION

Mayor Wood commented that he had discussed Asheville's Pension Plan with Representative DeBruhl and was advised that a copy of the proposed amendments would be forwarded to him in order that a review could be made of the amendments before being presented to legislators.

REPORT ON DRUG ABUSE - HOUSING PROJECT

Mr. Ken Michalove reported that, in view of Mr. Carl Johnson's request for more security personnel in the Housing Projects at last week's meeting, he had met with Chief Hall, Sheriff Morrissey, and the Housing Authority to determine how much personnel was needed. He said he felt the City had several alternatives: 1) put into effect an intensive security program for all projects - consisting of the hiring of 20 men - projected cost of $200,000; or 2) minimum security force for all projects consisting of 12 men - 2 shifts - projected cost of $148,000 for salaries and equipment. He said immediate action had been taken to instruct the Interagency Narcotics Squad to intensify their efforts in the Housing Projects. He said he was still exploring ways to fund security programs for housing projects through the County Manpower funds.

PROCLAMATION - DEAF AWARENESS WEEK

Mayor Wood proclaimed the week of May 25 - 30 as Deaf Awareness Week.

THIRD, at the same time, we petition for corrective measures to repair an apparent break in the sewer line serving this area which permits drainage from excessive rain and overflow from the neighboring creek to so load the sewer system as to "back up" the water in the line, overflowing into the street in an unsavory mess patently offensive to the eye and the nose, and posing an active threat to health and safety; and

FOURTH, we call upon the City Council to direct its professional staff to design an adequate drainage system for this area, and assign high priority to its immediate construction and installation."

Mayor Wood instructed that Mr. Edens, Water and Sewer Director, make a preliminary investigation of the matter and report his findings back to Council at next week's meeting.

COMPLAINT - FLOODING OF FRECK RADIO AND SUPPLY - VILLAGE HARDWARE - LOCATED ON PATTON AVENUE

Representatives of Freck Radio and Supply Company and Village Hardware, located on Patton Avenue, appealed to Council for relief of periodic flooding of their businesses. It was noted that a creek that flows behind these businesses overflows its banks and runs into the stores.

Mayor Wood instructed the Assistant City Manager to investigate the matter and report his findings back to Council at next week's meeting.

PETITION - RESIDENTS OF ST. DUNSTAN'S CIRCLE

The Assistant City Manager presented the following petition received from residents of St. Dunstan's Circle:

"WE, THE UNDERSIGNED, WOULD LIKE TO HAVE CONSIDERED AND CLARIFIED BY THE CITY COUNCIL THE FOLLOWING:

1. The property-owning residents and tax-paying members of St. Dunstan's Circle live in an area which has always been strictly residential.

2. What does the present zoning of our immediate area permit? (R-3)

3. We, the undersigned, are concerned because one of the larger land portions has recently been leased by Blue Ridge Mental Health Center for use as a "Group Home" for the mentally handicapped citizens. Are we zoned for this, and if so, under what provision of R-3 is this permitted?

4. We strongly object to any "Project" which might undermine the land values or the closely-knit, mutually-helpful neighborhood that now exists.

We request your immediate attention to this matter and an answer within fourteen (14) days."

Mrs. Caroline Caulkins, speaking on behalf of the residents of St. Dunstan's Circle, told Council that the residents were objecting to an institutional project of this type being located in their neighborhood. She said they felt that under the R-3 zoning, this type of "group home" would be prohibited. She said it was their opinion

Thursday - May 29, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., J. W. Hoyle, Henry E. Colton, Bill B. Horton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of May 22, 1975 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, the minutes of the May 22, 1975 meeting were approved as submitted.

PUBLIC HEARING - PROPOSED CONSTRUCTION OF IMPROVEMENTS TO THE ASHEVILLE AIRPORT

2. Corporation Counsel William C. Moore reported that some question had been raised relative to the notice to the public regarding the public hearing being published in the Asheville newspaper but not in the Hendersonville newspaper. He said contact had been made with the FAA office in Atlanta relative to the question and that they recommended that the hearing be postponed until the notice could be published in both newspapers.

Councilman Morris moved to re-schedule the public hearing relative to proposed construction of improvements to the Asheville Airport for June 16, 1975 at 2:00 o'clock p. m. in the Council Chambers. This motion was seconded by Councilman Colton and carried unanimously.

ORDINANCE NO. 846 - AN ORDINANCE AMENDING PORTIONS OF CHAPTER 8, ARTICLE V OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE KNOWN AS THE CITY OF ASHEVILLE EROSION CONTROL ORDINANCE

3. Consideration was given to the third and final reading of Ordinance No. 846, an ordinance amending portions of Chapter 8, Article V of the Code of Ordinances of the City of Asheville known as the City of Asheville Erosion Control Ordinance.

Mayor Wood advised that the ordinance had been read in its entirety at the May 15, 1975 meeting and would not be re-read unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 846 passed on its third and final reading.

Complete text of Ordinance No. 846 will be found in Ordinance Book No. 6 at page 283.

ORDINANCE NO. 841 - AN ORDINANCE INCREASING CABLEVISION SERVICE CHARGES OF THOMS BROADCASTING COMPANIES, INC.

4. Mayor Wood advised that the third and final reading of the proposed ordinance increasing cablevision service charges for Thoms Broadcasting Companies, Inc. would be postponed until next week's meeting at the request of Mr. Max Cogburn, attorney for Thoms Broadcasting Companies, Inc.

Councilman Morris suggested that the Corporation Counsel contact Mr. Cogburn and request that copies of the amended ordinance be forwarded to members of Council several days in advance of next week's meeting giving them an opportunity to review the

DRAINAGE PROBLEM - SULPHUR SPRINGS ROAD, DELAWARE, SAND HILL ROAD AND SHELBURNE ROAD

Councilman Hoyle requested that the Assistant City Manager investigate water drainage problems in the Sulphur Springs Road and Delaware Avenue area. He said the Sand Hill Road creek, left of Sulphur Springs Road, overflows and runs into Shelburne Road causing water problems

EMERGENCY JOBS PROGRAM

Mayor Wood requested that Mr. Michalove check into the number of employees who have been assigned jobs with the City under the Emergency Jobs Program and their tasks. He also requested that Mr. Michalove check to see if the City was getting the appropriate number of employees.

Adjournment.

Richard A. Wood
MAYOR

Marianne D. Doocastle
CITY CLERK

with construction to commence within six (6) months after that date. He said the plot plan indicated 128 parking spaces, which is 89 spaces short of the amount required in the Urban Renewal plan, however the bidder has met with the First Baptist Church, who will own Parcel No. 11 adjacent to this facility which contains 117 spaces, to negotiate a lease agreement for additional parking spaces to be provided by the First Baptist Church.

At the request of the Mayor, Mr. King read a letter from the Building and Properties Committee of the First Baptist Church which stated that they were willing to negotiate a lease agreement whereby the developer may lease from the church such space as they need to meet building codes. He also read favorable letters from E. H. Crump and Company, Insurance Real Estate and Mortgage Loans from Memphis, Tennessee and Pilot Life Company relative to construction loans for the developers.

Councilman Morris moved for the approval of the sale of Disposal Parcel 30 to One Oak Plaza. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

REPORT ON PETITION RECEIVED FROM RESIDENTS OF ST. DUNSTAN'S CIRCLE

Mr. Michalove, Assistant City Manager, reported that as instructed by Council at last weeks meeting, relative to a petition received from residents of St. Dunstan's Circle objecting to a proposed "group home" being located in their neighborhood, a conference was held with J. E. Johnson, Verl Emrick, Corporation Counsel William C. Moore, Larry Thompson of the Blue Ridge Mental Health Center and Tom Jones of the Buncombe County Group Homes for the Developmentally Disabled. He said the meeting was held to determine what kind of home was proposed for this area and if this type of home complied with zoning and building regulations. He said it was the overall opinion that under the zoning ordinance this type of home would be permitted in any residential area.

Corporation Counsel William C. Moore said that it was his opinion that the facility would be classified as a "public facility" rather than a "hospital facility" since it would serve a public purpose.

Verl Emrick reported that he had inspected this property and it would meet the specifications set forth in the zoning ordinance.

Mr. Tom Jones, Chairman of the Buncombe County Group Homes for the Developmentally Disabled, stated that his organization was formed for the express purpose of operating this facility; that this would be the first "group home" of this type in Asheville; that nine (9) mentally retarded persons between the ages of 18 and 40 would be selected and carefully screened; and that this would be an opportunity for them to have a living arrangement as close to real community life as possible. He said the residents would be supervised by two "house parents" and would work at Handi-Skills from 8:30 a. m. to 4:00 p. m. each day. He said transportation would be furnished by an eight (8) passenger van.

Councilman Horton commented that it was his opinion that the facility would be classified as institutional instead of a "public facility" since the home would be staffed by professionals.

After a lengthy discussion, Mayor Wood concluded that it appeared that all zoning and code regulations were being complied with by the organizations and he felt they would do everything possible to make the home a success and desirable for the neighborhood.

ordinance before the meeting.

RESOLUTION NO. 75-74 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE LEASE TO THE BILTMORE COMPANY

5. Consideration was given to a resolution authorizing the Mayor to execute a lease with the Biltmore Company for property in Biltmore Plaza on Lodge Street occupied jointly by the Fire Station and the Biltmore Company.

The City Manager advised that notice was given, by publication in the Asheville Times, that Council would consider executing such lease during this meeting. He then read the resolution and explained that the lease, as described in the resolution, was for a period of five (5) years, beginning June 1, 1975, in the amount of $500 per month. He said this amount was arrived at by an appraisal prepared by an independent appraiser.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 75-74 was unanimously adopted.

Complete text of Resolution No. 75-74 will be found in Resolution Book No. 8 at page 132.

RESOLUTION NO. 75-75 - RESOLUTION AUTHORIZING THE MAYOR TO FILE AN APPLICATION FOR A FEDERAL GRANT WITH THE NORTH CAROLINA DIVISION OF LAW AND ORDER FOR THE ASHEVILLE RECORDS SYSTEM

6. Consideration was given to a resolution authorizing the Mayor to file an application for a federal grant with the North Carolina Division of Law and Order for the Asheville Records System.

The City Manager read the resolution.

Mr. Michalove, Assistant City Manager, explained that this grant would allow for improvements to the record keeping system in the Asheville Police Department by switching over to an automated system, thereby reducing errors by mis-filing and increase productivity. He said the total cost of the project would be $14,283.00 with the City providing a total cash matching contribution of $793.00.

Upon motion of Councilman Colton, seconded by Councilman Horton, Resolution No. 75-75 was unanimously adopted.

Complete text of Resolution No. 75-75 will be found in Resolution Book No. 8 at page 133.

SALE OF DISPOSAL PARCEL 30- CIVIC REDEVELOPMENT PROJECT N. C. R-13

7. Mr. W. C. King, Executive Director of the Asheville Housing Authority, described Disposal Parcel 30, formerly known as the old David Milliard High School Property, as containing 72,929.30 square feet with an updated appraised value, concurred in by HUD, of $1.80 per square foot, totaling $143,872.74. He said the Asheville Housing Authority received a bid from One Oak Plaza, a partnership consisting of Jack E. Bryant, Donald M. Blackwell, and Wallace N. Hyde, for Disposal Parcel 30 for a value of $143,900.00. He further stated that this partnership proposes to construct one building consisting of approximately 65,000 square feet of office space with a construction cost of improvements to be $1,300,000+. He said deeding would be on August 13, 1975,

The City Manager read the resolution.

Corporation Counsel said that negotiations were started for this encroachment in 1964 and that he was pleased to report that the City would not be paying any yearly fees nor assenting to a 60 day cancellation clause in the agreement.

Councilman Morris said he would like to express appreciation to the Southern Railway Company for removing the previous 60 day cancellation clause.

Upon motion of Councilman Hoyle, seconded by Councilman Colton, Resolution No. 75-78 was unanimously adopted.

Complete text of Resolution No. 75-78 will be found in Resolution Book No. 8 at page 137.

RESOLUTION NO. 75-79 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AMENDMENTS TO THE NORTH CAROLINA STATE BUILDING CODE, VOLUME I, GENERAL CONSTRUCTION, 1967 EDITION

13. Consideration was given to a resolution calling for a public hearing for the adoption of amendments to the North Carolina State Building Code, Volume I, General Construction, 1967 Edition.

The City Manager read the resolution.

Councilman Morris moved for the adoption of the resolution, setting the date for the public hearing for June 19, 1975. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Complete text of Resolution No. 75-79 will be found in Resolution Book No. 8 at page 138.

PETITION TO CLOSE A PORTION OF LANNING STREET AND RIDGELAWN ROAD - ASHEVILLE CITY BOARD OF EDUCATION

The City Manager advised Council that he had received a petition from Asheville City Board of Education requesting that a portion of Lanning Street and Ridgelawn Road be permanently closed. He told Council that if they wished to consider the closing of these streets it would be necessary to pass a resolution setting a public hearing on the question and that if it was Council's wish he was prepared to present the resolution at this time. On instructions from Mayor Wood he proceeded with the presentation of the following resolution.

RESOLUTION NO. 75-80 - RESOLUTION OF INTENT TO CLOSE A PORTION OF LANNING STREET AND RIDGELAWN ROAD AND CALLING A PUBLIC HEARING ON THE QUESTION

Vice-Mayor Marshall moved for the adoption of the resolution setting the date of the public hearing for June 26, 1975. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Complete text of Resolution No. 75-80 will be found in Resolution Book No. 8 at page 139.

PRESENTATION OF THE 1975-76 BUDGET

9. The City Manager read a prepared budget letter in submitting the 1975-76 budget to members of Council.

The City Manager issued special thanks and commendation to Larry Fisher, Director of Finance and Bob Wurst, Budget Officer for their efforts in putting the budget together. He said it is required that notice be given, by the City Clerk, that the budget has been presented to Council and that a public hearing would be held by Council prior to its adoption.

Councilman Morris moved to schedule a public hearing on the 1975-76 Budget for June 12, 1975. This motion was seconded by Vice-Mayor Calvin W. Marshall and carried unanimously.

Councilman Colton said it should be pointed out that, as requested by Council, the City Manager presented the budget without a tax rate increase which in his opinion was a difficult job.

RESOLUTION NO. 75-76 - RESOLUTION REGARDING AUDITING CONTRACT (Cherry, Bekaert & Holland)

10. Consideration was given to a resolution regarding auditing contract for fiscal year ending June 30, 1974.

The City Manager read the resolution.

Upon motion of Councilman Horton, seconded by Councilman Ochsenreiter, Resolution No. 75-76 was unanimously adopted.

Complete text of Resolution No. 75-76 will be found in Resolution Book No. 8 at page 135.

RESOLUTION NO. 75-77 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR A WATER LINE ALONG N. C. 694 (BEAVERDAM ROAD)

11. Consideration was given to a resolution authorizing Mayor to execute a right-of-way encroachment agreement with the North Carolina State Board of Transportation for a water line along N. C. 694 (Beaverdam Road).

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 75-77 was unanimously adopted.

Complete text of Resolution No. 75-77 will be found in Resolution Book No. 8 at page 136.

RESOLUTION NO. 75-78 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE SOUTHERN RAILWAY COMPANY CONCERNING A 12-INCH SANITARY SEWER LINE FROM MEADOW ROAD ACROSS THE RAILROAD FREIGHT YARDS AT BILTMORE, NORTH CAROLINA

12. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the Southern Railway Company concerning a 12-inch sanitary sewer line from Meadow Road across the railroad freight yards at Biltmore, North Carolina.

2. Secs. 5, 7 and 8 exempt events sponsored by veterans' organizations, civic clubs, fraternal organizations and eleemosynary organizations from paying the 5% license fee and from any regulation by the Commission. I certainly have no objection to the intent and spirit of this exemption. However, I can readily foresee that promoters of sporting events regulated by the Commission would very quickly find it a convenient and common practice to have their events "sponsored" by such organizations and give these organizations a token amount for their "sponsorship." As you know, this is very commonly the practice with traveling circuses and similar entertainment events. To insure that the purposes of the legislation and the Commission are not evaded by such arrangements, I would suggest that the exemption be deleted from Secs. 7 and 8, so that such events would be regulated by the Commission and that Sec. 5 be worded so that the license fee is rebated in proportion to the percentage of net revenues that the sponsoring charitable organization is to receive. In this manner, if a charitable organization were truly the promoter of the event, the organization would, under those circumstances, receive the entire net proceeds and would be exempted from payment of the license fee. However, if, on the other hand, the charitable organization were receiving only 10% of the net proceeds, 90% of the license fee would be collectible.

I am particularly concerned about the House amendments to Senate Bill 499, relating to a revision of the pension programs of the City of Asheville.

I certainly have no objection to requesting and obtaining a formal study by the Employee's Retirement and Health Benefits Division of the State Treasurer's Department to determine the feasibility of the City joining the Local Governmental Employee's Retirement System. In fact, our private study, which was made by the Raleigh consulting firm of H. Gray Hutchison and Associates, Inc., has given some analysis to the feasibility of Asheville participating in the Local Governmental Employee's Retirement System. However, it was at least preliminarily concluded that the State program was not feasible for the City of Asheville at this time. Among the reasons for this preliminary conclusion were the following:

1. The State program pays benefits equal to 1½% of salary up to $5,600.00 per annum and 1½% of compensation in excess of $5,600.00 per annum. Due to the long seniority of many of our non-uniformed personnel, the plan which we have been considering implementing for non-uniformed personnel would be based upon only 1% of compensation, due to the large amount of past service liability already built up in our employee group.

2. The State system permits retirement after 30 years of employment, regardless of age, whereas we had preferred to leave age 65 as the customary retirement date, again reducing the cost of the program to the City.

3. Under the State plan, policemen and firemen can retire at age 55, whereas under our existing plans for policemen and firemen, retirement age is 60. Again this reduces the long-term cost of the program to the City and the City's unfunded obligation with reference to the existing police and fire plans which is already a very substantial amount, due to the exceedingly large survivor benefits under our plan compared to plans of other systems.

Mayor Wood instructed the City Manager to have the Water and Sewer Department check out the water and sewer lines in this particular area and to get some understanding from the School Board as to who would be responsible for the expense of relocating the lines.

REPORT OF CITY MANAGER - SULPHUR SPRINGS ROAD-DELAWARE AVENUE-SAND HILL ROAD-SHELBURNE ROAD AND PETITION RECEIVED FROM RESIDENTS OF DRUID DRIVE

The City Manager said that at last weeks meeting a request was received from Councilman Hoyle and also a petition received from residents of Druid Drive for investigations relative to drainage problems in these areas. He said the Engineering Department was now working on both of these projects and a report would be made at next week's meeting.

REPORT OF STATUS OF LEGISLATION BILLS - PENSION AND BOXING AND WRESTLING COMMISSION

Mayor Wood reported that several weeks ago Council adopted a resolution requesting the General Assembly to adopt two local bills, one related to the City of Asheville Pension Program and the other relating to revisions in the local act establishing the Boxing and Wrestling Commission. He said Senator Crawford had the bills passed in the Senate and they were then sent to the House at which time Representative DeBruhl proposed certain amendments to both of the bills and at this time the matters are back to the Senate for their action on the amendments. He said after discussing the matter with Senator Crawford over the weekend, he wrote a letter to him objecting to the amendments. He then summarized the letter and instructed that the letter be made a part of the minutes.

The letter is as follows:

OFFICE OF MAYOR

May 26, 1975

Honorable I. C. Crawford
North Carolina Senate
Legislative Building
Raleigh, North Carolina

Dear I.C.:

I would like to share with you my concerns with reference to amendments made to Senate Bill 498 and Senate Bill 499 when passed by the House of Representatives.

The House amendments to Senate Bill 498 were essentially two in nature, as follows:

1. In Sec. 2, only one member of the Commission would be permitted to be compensated for attending events regulated by the Commission. As a practical matter, long-standing custom and practice is such that two members of the Commission usually are in attendance, one serving as secretary or other regulator of the business aspects of the event and another member serving as the physician. The result of the amendment would be to preclude more than one member from being compensated for these services. Therefore, I feel that the original language of Sec. 2, which permitted compensation of one or more members, is desirable from an administrative point of view.

Councilman Colton moved that Council concur in the contents of Mayor Wood's letter of May 26, 1975 to Honorable I. C. Crawford and that the City Clerk be instructed to write all members of the Senate and House delegation advising them of Council's unanimous concurrence. That a copy of Mayor Wood's letter be forwarded to each member of the delegation during their weekend recess. This motion was seconded by Councilman Morris and carried unanimously.

COUNCILMAN COLTON - FRENCH BROAD RIVER

Councilman Colton suggested that in light of the remarkable progress being made on cleaning up the pollution of the French Broad River, consideration should be given to plans for creating recreational areas along its banks.

COUNCILMAN OCHSENREITER - BASKETBALL COURTS- PARKING LOTS AT FIRST BAPTIST CHURCH

Councilman Ochsenreiter suggested that the developers, purchasing the old David Milliard High School property, work with the First Baptist Church to check into the feasibility of using the large parking areas for basketball courts during off hours. He also suggested that Ray Kisiah, Director of Parks and Recreation, work with these individuals to develop such a program.

Adjournment.

Richard D. Wood
MAYOR

Frances D. Mosser
CITY CLERK

4. The House amendment would contemplate the inclusion of employees of the local ABC system in the plan. I understand that a number of rulings from the Attorney General's Office through the years questions the propriety of including ABC employees under a pension plan with general local government employees, as opposed to having the ABC system establish its own plan or independently join the State system. More important from a practical point of view, however, is the fact that the City of Asheville does not receive all of the net profits of the local ABC system and it is, therefore, very inequitable to burden the City of Asheville with all of the retirement expense of employees of the local ABC system.

Finally, the House amendment requires that regardless of the conclusions arrived at as a result of a detailed study, City employees must be given the opportunity to elect as to whether they wish to join the State system. Admittedly, the new pension programs we are envisioning for non-uniformed personnel and future uniformed personnel is not as generous to employees or as expensive to the City as the State program, for the reasons outlined above, plus others. I feel that it should be the responsibility of the City Council to decide, after study of all feasible alternatives, which plan should be adopted for employees of the City. It would be contrary to this approach for the Legislature to dictate an election in which employees of the City could elect to participate in a program which the City Council did not feel was feasible.

Again, I emphasize that we are more than willing and prepared to undertake a full-scale study of the State plan should the delegation feel this is desirable, notwithstanding the cost of the study, the fact that preliminary analysis indicates that participation in the State plan is not feasible and such a study would delay the implementation of any new plan. Finally, I would emphasize that in no way does the legislation which you introduced jeopardize the pension benefits of existing police and fire personnel and the legislation which you introduced gives those personnel the right to join in any new pension plan, although I cannot perceive that they would wish to do so, since the new plan will not be as attractive as the existing police and fire plans.

I might add, in conclusion, that I had spoken by telephone last Thursday morning with Representative Claude DeBruhl and requested that he forward me copies of his amendments so that we could make comment upon them before final action in the House. He stated that he would mail me copies of his amendments (which he did and which I received on Friday morning) and that no action would be taken in the House until we had the opportunity to share our thoughts with him. However, both Bills were submitted to and passed by the House on Friday. Under these circumstances, it seemed most feasible and practical at this point to communicate the above views concerning the amendments to you.

Please advise if I can furnish you any additional information concerning the above.

With kindest regards.

Very sincerely yours,

Richard A. Wood, Jr.

RAWJr/dm
cc:
Asheville City Council

PUBLIC HEARING - CLOSING OF A PORTION OF SOUTHSIDE AVENUE AND RALPH STREET, AND ALL OF CURVE STREET, GRAHAM STREET, SOUTHERN STREET, "DEATH" ALLEY, AND THREE UNNAMED ALLEYS

RESOLUTION NO. 75-81 - RESOLUTION TO CLOSE A PORTION OF SOUTHSIDE AVENUE AND RALPH STREET, AND ALL OF CURVE STREET, GRAHAM STREET, SOUTHERN STREET, THREE UNNAMED ALLEYS AND "DEATH" ALLEY

3. A public hearing was held concerning a request by the Asheville Housing Authority that a portion of Southside Avenue and Ralph Street, and all of Curve Street, Graham Street, Southern Street, "Death" Alley, and Three Unnamed Alleys be permanently closed.

Mayor Wood opened the public hearing at 3:10 o'clock p. m.

The City Manager read the resolution calling for a public hearing on the matter and the affidavit of publication setting the time and date for the public hearing. He also stated that he had received an affidavit stating that the proper notices were placed in accordance with the provisions of the resolution.

Mayor Wood instructed that the affidavit be put into the minutes of the meeting.

The affidavit is as follows:

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

A F F I D A V I T

RE: RESOLUTION NO. 75-81

LAWRENCE D. HOLT, being first duly sworn, deposes and says:

1.

That the Affiant, Lawrence D. Holt, is an employee of the Housing Authority of the City of Asheville.

2.

That the Affiant was directed to post notices along that portion of Southside Avenue and Ralph Street, and all of Curve Street, Graham Street, Southern Street, three unnamed alleys and "Death Alley", proposed to be closed in the East Riverside Renewal Project.

3.

That said notices of the closing and public hearing consisted of copies of the resolution of intent to close a portion of said streets and alleys and calling a public hearing on the question, said Resolution being numbered 75-67.

Thursday - June 5, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Eugene C. Ochsenreiter, Jr., Ralph D. Morris, Jr., J. W. Hoyle, Henry E. Colton, Bill B. Horton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of the May 29, 1975 meeting.

Upon motion of Councilman Hoyle, seconded by Vice-Mayor Marshall, the minutes of the May 29, 1975 meeting were approved as submitted.

PUBLIC HEARING - REZONING - 9-1/2 EAST STARNES COVE ROAD - MR. JOHN WOODY

ORDINANCE NO. 847 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED.

2. A public hearing was held relative to rezoning property at 9-1/2 East Starnes Cove Road, owned by Mr. John Woody, from CS Commercial Service District to R-3 Residential District.

Mayor Wood opened the public hearing at 3:01 o'clock p. m.

The City Manager read the notice to the public and affidavit of publication setting the time and date for the public hearing.

Verl Emrick, Director of Planning, reviewed the report of the Planning and Zoning Commission which recommended that the request be approved for the following reasons:

1) The property is contiguous with the existing R-3 residential zoning;

2) Access to the property is from the residential section and not from the commercial strip along Highway 19-23; therefore, commercial development of the site is discouraged; and

3) In this case, it is the staff's opinion that a zoning amendment is justified.

It was noted that this property was located within the City's one mile zoning jurisdiction.

No one spoke in support of or in opposition to the petition.

Mayor Wood closed the public hearing at 3:07 o'clock p. m.

The City Manager was requested to read a prepared ordinance which would amend the Zoning Ordinance and rezone the property as petitioned.

Councilman Colton moved for the adoption of the ordinance. This motion was seconded by Councilman Horton.

On a roll call vote of 6-0, Ordinance No. 847 passed on its first reading.

Upon inquiry of Mayor Wood, Mr. Thoms said that although his statement made at the May 22, 1975 meeting relative to the waiving of the $2.00 monthly FM service charge to subscribers, after their paying of the initial $10.00 connection charge, was not included in the revised ordinance, that if the increase was granted, he would stand by his statement and that this would apply to old subscribers as well as new subscribers.

Mayor Wood suggested that a sentence be added to the paragraph entitled "Other Rates" which would read that the grantee will hereafter furnish to customers requesting the same FM service at no charge other than an initial installation fee of $10.00.

Councilman Colton said that this was an unusual franchise in that no member of Council moved for its adoption but was put on the books and adopted by the vote of the people. He questioned as to what authority Council has to amend the ordinance and change the rates.

In answer to Councilman Colton, Mr. Roberts cited Sections 212, 213, and 214 of Charter Appendix-Related Laws in the Code of Ordinances for the City of Asheville which stated that "All privileges and franchises and charters, whatsoever, granted by the Council of said City, and all ordinances thereof, conferring any such privileges, franchises, or charters, may be altered, amended, modified, repealed, or revoked by said Council from time to time, anything in such privileges, franchises, charters or ordinances contained to the contrary notwithstanding."

Councilman Colton reviewed that this ordinance was presented to the voters, by the provisions of Section 83 of the Charter for the City of Asheville, whereby Thoms Broadcasting Companies, Inc. presented a petition containing the sufficient number of signatures to require such an election. He said in researching he found that Minute Book 35, page 346 reflects that the ordinance was voted upon on July 28, 1967 and the Board of Elections certified the returns to Council that the ordinance was approved by a vote of 3,008 for the ordinance and 1,891 against the ordinance and that no member of Council ever moved for its adoption but only moved that the ordinance be put into the minutes of the meeting.

Councilman Colton also questioned whether Council had the right to reduce the voted upon 35-year franchise to a 17-year franchise. In answer to Councilman Colton, Mr. Roberts said he felt Council has this right. However, Corporation Counsel William C. Moore said it was his opinion that Council could not reduce or increase the number of years for the franchise since it was voted upon by the voters with such a stipulation.

Councilman Colton and Ochsenreiter agreed that the voters also voted upon the stipulation that the rates would not be changed for three year periods and these voters should be protected from any changes.

Councilman Horton said that in previous meetings he had made computations in which he stated that according to his figures and percentages, if Thoms Broadcastings Companies, Inc. progressed as much in 1975 over 1974 as they did in 1974 over 1973 the firm should realize an operating gain of $62,000. He said he would like to clarify this statement as he had inadvertently used the wrong percentages and in verifying his computations the firm would have a projected operating gain of $26,389., again emphasizing the fact that if the firm progressed as well as they did in 1974. He said he felt this would still be a pleasant increase.

That Affiant did in fact prominently post copies of said aforementioned Resolution to Close said streets and alleys and calling a public hearing on the question in two places along that portion of said streets and alleys proposed to be closed.

This the 5th day of June, 1975

s/ Lawrence D. Holt
Lawrence D. Holt

SWORN TO AND SUBSCRIBED before me this 5th day of June, 1975.

s/ Betty J. Sawyer
Notary Public

My Commission Expires:

6-15-75

Mr. Larry Holt, of the Asheville Housing Authority, presented maps indicating the exact locations of the streets and alleys proposed to be closed. He described the streets to be closed and explained what would be placed upon the closed portions. He also stated that no one would be deprived of ingress or egress to their property by the closing of these streets.

No one expressed opposition to the request that these streets and alleys be permanently closed.

Mayor Wood closed the public hearing at 3:22 o'clock p. m.

The City Manager was requested to read a prepared resolution which would close the alleys and streets requested to be closed by the Asheville Housing Authority.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 75-81 was unanimously adopted.

Complete text of Resolution No. 75-81 will be found in Resolution Book No. 8 at page 141.

ORDINANCE NO. 841 - AN ORDINANCE INCREASING CABLEVISION SERVICE CHARGES OF THOMS BROADCASTING COMPANIES, INC.

$. Consideration was given to the third and final reading of Ordinance No. 841, an ordinance increasing cablevision service charges of Thoms Broadcasting Companies, Inc.

Mayor Wood advised that the ordinance had carried on second reading, at the May 22, 1975 meeting, subject to several modifications prior to third reading of the ordinance. He then requested Mr. Landon Roberts, representing Thoms Broadcasting Companies, Inc., to read the proposed revised ordinance as it would be presented for the third and final reading.

provided for, the City Council shall upon satisfactory proof after hearing or on application of any customer, increase or decrease the rates to equal a nationwide average of rates as charged by CATV systems in cities and towns having approximately the same population as the City of Asheville; however, said decisions shall be for periods of at least three years." He said it was his opinion that this paragraph was the controlling factor in considering the approval of his request for an increase.

On a roll call vote of 3-4, Ordinance No. 841, as amended, failed on its third and final reading with Councilmen Morris and Hoyle and Vice-Mayor Marshall voting "aye" and Mayor Wood, Councilmen Ochsenreiter, Colton and Horton voting "no".

After the vote, Mr. Thoms made the following statement, which he said he would have preferred to make before the final vote by Council, but did not for fear of influencing the decision.

"To the members of Council who wisely voted for the small increase, I sincerely thank you. I'm sorry to say that no further expansion within the City of Asheville until the 3 year period has expired and we are assured of a just and reasonable return on our investment.

We will continute high quality service to the subscribers in Asheville wherever cable is located and continue a strong sales effort to saturate this market.

Our plans for the future, for the future Capital Cable Construction will proceed into the County areas where we are assured of a fair and satisfactory return on our investment. A further clarification will be forthcoming by a paid newspaper advertisement very shortly."

Mayor Wood directed the City Clerk to include Mr. Thoms statement in the minutes of the meeting and instructed the Corporation Counsel to give his opinion as to the implications of Mr. Thoms statement.

COUNCIL RECESS

Mayor Wood called for a five (5) minute recess at 4:27 o'clock p. m.

Council reconvened the meeting at 4:32 o'clock p. m.

PUBLIC HEARING - AMENDED SITE PLAN FOR K-MART SHOPPING CENTER

5. A public hearing was held to consider the approval of the amended site plan of the K-Mart Shopping Center.

Mayor Wood opened the public hearing at 4:32 o'clock p. m.

The City Manager read the notice to the public and affidavit of publication setting the time and date for the public hearing.

Verl Emrick, Director of Planning, reported that the Asheville Planning and Zoning Commission unanimously recommended that the amended site plan of the K-Mart Shopping Center be approved subject to the following conditions:

Mr. Thoms said he still felt the start of 1975 was behind the progress made in 1974 and that he did not expect any changes.

Upon inquiry of Councilman Hoyle, Mr. Thoms quoted several price increases involved in the operation of his business.

After a lengthy discussion regarding the legality of Council's authority to amend the ordinance, it was the consensus that Council did have the authority to amend the ordinance and grant the increase.

Councilman Morris noted that since the beginning of the discussions relative to Mr. Thoms request for an increase, that at no meeting did any member of the public show an interest in opposing the increase. He said that he had had one phone call in opposition to the request.

Councilman Ochsenreiter commented that he had had several calls in opposition to the request.

Corporation Counsel William C. Moore said that from a legal standpoint it was his opinion that the last section of the revised ordinance dealing with the waiving of the increase for a 12 month period to anyone who would certify in writing that they could not afford an increase was unwieldy and should be expressed in some other language.

Councilman Morris moved to amend the ordinance as revised and by adding a sentence in the Section entitled "Other Rates" which would read that the grantee will hereafter furnish to customers requesting the same FM service at no charge other than an initial installation fee of $10.00. This motion was seconded by Vice-Mayor Marshall.

On a roll call vote of 5-1, the amendments to the ordinance carried, with Councilman Colton voting "no".

Councilman Horton said he felt there was a conflict of interest between Council's interest for Thoms Broadcasting Companies, Inc. request for a rate increase for valid reasons and Council's own personal obligations to the voters of Asheville who voted for the ordinance. He then requested permission to read Section 2 of the original ordinance which is as follows: "Section 2. This ordinance shall be effective as provided by law and the franchise granted shall be effective only after the same has been submitted at a special election to the qualified voters of the City and a majority of those voting upon the proposition have voted in favor of granting such franchise. This franchise shall be submitted to the qualified voters of the City of Asheville at a special election to be called and held according to law. Upon such approval and the certification of the City of Asheville of the returns from the election, and after the acceptance of this franchise by The Thoms Broadcasting Companies, Inc., said franchise shall continue in full force and effect for a period of thirty-five (35) years from the acceptance."

Mayor Wood then called for a roll call vote for the third and final reading of Ordinance No. 841, as amended.

Before the vote, Mr. Thoms read the following portion of Section 11 of the original ordinance "..... Provided, however, that subject to the provisions herein in this section set forth, the GRANTEE may voluntarily reduce its rates but that on the application of the GRANTEE for an increase of rates in order to fix a just and reasonable return to the GRANTEE to be charged customers for the services herein

Councilman Colton moved for the approval of the amended site plan of the K-Mart Shopping Center subject to the conditions set forth in the report from the Planning and Zoning Commission. This motion was seconded by Councilman Hoyle and carried unanimously.

BIDS - ONE (1) FOUR DOOR CAR FOR POLICE DEPARTMENT

6. Consideration was given to bids received May 30, 1975 for one (1) four door car for the Police Department.

The City Manager read a memorandum from the Purchasing Agent which stated that Apple Tree Chevrolet submitted the lowest bid in the amount of $3,760.47, however they failed to meet the bid specifications in regard to the following:

Electrical	80 Amp Battery	- 90 Amp not available
Tires	FR78-14/B Steel Belted Radials	- Rayon not available from Chevrolet
Seats	Full Foam	- Heavy Duty not available at this time.
Suspension	Radial Tuned Suspension	

Therefore, it was recommended that the second low bid submitted by Dorato Motors, Inc. in the amount of $3,874.29 be accepted.

Councilman Horton moved to approve the recommendations of the Purchasing Agent and award the bid to the second low bidder, Dorato Motors, Inc. in the amount of $3,874.29. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary - One (1) Four Door Car for Police Department

Bidder	Bid
Dorato Motors, Inc.	$3,874.29
Matthews Motors, Inc.	3,938.24
Apple Tree Chevrolet	3,760.47

BIDS - FURNISH AND INSTALL AIR CONDITIONING EQUIPMENT IN BILLING AND COLLECTION DIVISION OF WATER DEPARTMENT

7. Consideration was given to bids received June 2, 1975 to furnish and install air conditioning equipment in Billing and Collection Division of the Water Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Asheville Heating and Cooling, Inc. in the amount of $6,400.00.

Councilman Morris moved to accept the recommendations of the Purchasing Agent and award the bid to the low bid submitted by Asheville Heating and Cooling, Inc. in the amount of $6,400.00. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

The developer shall agree and so state in writing that:

1) It is understood that access to Old Haw Creek Road is only granted on a temporary basis and that this access point will be closed upon the taking of Old Haw Creek Road by the N. C. Department of Transportation;

2) Any and all improvements necessary to make Old Haw Creek Road serviceable for traffic shall be borne by the developer; and

3) Access to Haw Creek Lane through the property currently owned by the Buncombe County School Board shall be approved in writing by the N. C. Department of Transportation and the Federal Highway Administration.

Further, the Asheville Planning and Zoning Commission recommends that traffic on Old Haw Creek Road be one-way on all segments.

In presenting the amended site plan and, at the request of Mayor Wood, Mr. Emrick reviewed in detail the conditions setforth in the report from the Planning and Zoning Commission which recommended approval.

Mr. Harold Bennett, attorney for K-Mart, answered general questions of Council relative to steps taken by the developer to meet the stipulations of the Planning and Zoning Commission.

After a lengthy discussion, Mr. Bennett pointed out that the recommended conditions would be met.

Mayor Wood instructed that the following letter, presented to Council, be put into the minutes of the meeting:

June 5, 1975

Mr. Verl Emrick
City Planning Director
City of Asheville
Asheville, N. C.

RE: K-Mart Plaza Development on South Tunnel Road

Dear Mr. Emrick:

I understand and hereby agree that access to Old Haw Creek Road is only granted on a temporary basis for K-Mart Plaza and that this access point will be closed upon the completion of the project along U. S. 70 by the North Carolina Department of Transportation and the erection of its fence along its right of way line.

I also understand and agree that it will be my responsibility to make any and all improvements necessary to make Old Haw Creek Road serviceable for traffic during the period that the access remains open.

Very truly yours,

/s/ Edward I. Greene

EDWARD I. GREENE

	Carolina Uniform Rental	National Linen Service	Rental Uniform Service
[illegible] - Current [illegible] Charges	1.80 per week 104 weeks $187.20	2.00 per week 104 weeks $208.00	1.90 per week 104 weeks $197.60
TOTAL:	$10,623.20 ($5,311.60 per year)	$11,824.60 ($5,912.40 per year)	$11,200.80 ($5,600.40 per year)
BID DEPOSIT:	5% BID BOND	5% BID BOND	5% CERTIFIED CHECK

ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1975-76

8. Mayor Wood suggested that the ordinance be postposed until next week's meeting, at which time a public hearing will be held on the 1975-76 Budget.

RESOLUTION NO. 75-82 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR WATER EXTENDING EASTERLY ALONG U. S. 70 APPROXIMATELY 530 FT. IN SWANNANOA, N. C.

9. Consideration was given to a resolution authorizing Mayor to execute right of way encroachment agreement with the North Carolina State Board of Transportation for water extending easterly along U. S. 70 approximately 530 ft. in Swannanoa, N. C.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 75-82 was unanimously adopted.

Complete text of Resolution No. 75-82 will be found in Resolution Book No. 8 at page 143

GROUP DEVELOPMENT - ASHEVILLE HOUSING AUTHORITY PROJECT NC 7-1 (A)

10. The City Manager read a letter from the Planning and Zoning Commission which recommended approval of the site plan for Project NC 7-1 (A) Office Structure to be located on South French Broad Avenue adjacent to Aston Park Towers, subject to the following conditions:

1) That the parking lot entrance on South French Broad be modified to reduce possible conflicting turning movements with service vehicles in route to Aston Towers; and

2) That the developer secure the following letters before final approval is granted:

   a) A statement of the adequacy of the water and sewer facilities to service the development;

   b) A statement from the Zoning Administrator approving all proposed curb cuts; and

   c) A statement of compliance with the Sedimentation Control Ordinance.

Bid Summary - Furnish and Install Air Conditioning Equipment in Billing and Collection Division of Water Department City Hall

Bidder	Bid
Asheville Heating and Cooling, Inc.	$6,400.00
Ball Heating and Air Conditioning	8,507.00
Rogers Plumbing and Heating Co.	8,600.00

BIDS - RENTAL UNIFORM SERVICE FOR VARIOUS DEPARTMENTS OF THE CITY

8. Consideration was given to bids received June 3, 1975 for rental uniform service for various departments of the City.

The City Manager read a memorandum from the Purchasing Agent which stated that this bid request is to establish an agreement for rental uniform service to various departments of the City for a 24 month period commencing July 1, 1975 through June 30, 1977. He said award is on the basis of unit prices only, not total amount, which is based on estimated quantities. The unit prices are firm for the duration of the agreement. However, the City or the vendor may cancel agreement by giving written notice at least thirty (30) days prior to cancellation date. Payments are to be made monthly from each departments budget and will be based on actual quantities delivered. His recommendation was the acceptance of the low bid submitted for all items by Carolina Uniform Rental Company.

Vice-Mayor Marshall moved to accept the recommendation of the Purchasing Agent and award the bid to the low bid submitted by Carolina Uniform Rental Company. This motion was seconded by Councilman Morris and carried unanimously.

Bid Summary

	CAROLINA UNIFORM RENTAL ASHEVILLE, N.C.	NATIONAL LINEN SERVICE ASHEVILLE, N.C.	[illegible] ASHEVILLE, N.C.
[illegible] Operators in [illegible] estimated 6 people	1.15 per week ✓ 6 people - 2 changes wk. 6.90 104 weeks $ 717.60	1.30 per week 6 people - 2 changes wk. 7.80 104 weeks $811.20	1.15 per week 6 people - 2 changes wk. 7.20 104 weeks $748.80
[illegible] Dept. Meter [illegible] Meter Shop Personnel [illegible] estimated - 30 people	1.80 per week ✓ 30 people - 2 changes wk. 54.00 104 weeks $5,616.00	2.00 per week 30 people - 2 changes wk. $60.00 104 weeks $6,240.00	1.90 per week 30 people - 2 changes wk. 57.00 104 weeks $5,928.00
[illegible] #2 - Janitors in City Hall estimated - 5 people	1.80 per week ✓ 5 people - 2 changes wk. 9.00 104 weeks $936.00	2.00 per week 5 people - 2 changes wk. 10.00 104 weeks $1,040.00	1.90 per week 5 people - 2 changes wk. 9.50 104 weeks $988.00
[illegible] #4 - Maids in City Hall estimated - 2 people	1.15 per week ✓ 2 people - 2 changes wk. 2.30 104 weeks $239.20	1.30 per week 2 people - 2 changes wk. 2.60 104 weeks $ 270.40	1.20 per week 2 people - 2 changes wk. 2.40 104 weeks $249.60
[illegible] #5 - Airport Personnel (16) A. 6 Janitors	1.80 per week ✓ 6 people - 2 changes wk. 10.80 104 weeks $1,123.20	2.00 per week 6 people - 2 changes wk. 12.00 104 weeks $1,248.00	1.90 per week 6 people - 2 changes wk. 11.40 104 weeks $1,185.60
B. 6 Firemen	1.80 per week ✓ 6 people - 2 changes wk. 10.80 104 weeks $1,123.20	2.00 per week 6 people - 2 changes wk. 12.00 104 weeks $1,248.00	1.90 per week 6 people - 2 changes wk. 11.40 104 weeks $1,185.60
C. 1 Maid	1.15 per week ✓ 104 weeks $119.60	1.30 per week 104 weeks $135.20	1.20 per week 104 weeks $124.80
D. [illegible] Baggage Men	1.80 per week ✓ 3 people - 2 changes wk. 5.40 104 weeks $561.60	2.00 per week 3 people - 2 changes wk. 6.00 104 weeks $624.00	1.90 per week 3 people - 2 changes 5.70 104 weeks $592.80

He said it was his opinion that to have a long term solution to this problem it would be necessary to severly restrict any further fill construction adjacent to Smith Mill Creek between the lower Patton Avenue crossing and the City Limits. He said furthermore, it was probably be necessary for the City or some other party to excavate an adequate channel for this creek to avoid periodic flooding of Druid Drive.

He said it was his opinion that it was very important for Council to consider legislating a policy on prohibiting or restricting encroachments on stream beds by property owners in the City Limits. He said that an amendment to the Erosion Control Ordinance could possibly cover this. He further said that it would take a considerable amount of money to correct this situation.

Mayor Wood requested that a further report be made relative to correcting the drainage problems on Druid Drive and he also requested that the Corporation Counsel check into the legal aspects of the responsibility for such action.

The City Manager also reported that the Engineering Department was still investigating the drainage problems in the Sand Hill Road-Shelburne Road-Delaware-Sulphur Springs Road area.

CERTIFICATE OF APPOINTMENT OF COMMISSIONER OF THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE

Mayor Wood reappointed Mrs. Earl L. Shook, Jr. as a Commissioner to the Housing Authority of the City of Asheville to serve for a term of five (5) years, ending June 16, 1980.

METER READING BY RADIO TRANSMISSION

Upon inquiry of Councilman Morris, Mr. Edens reported that a substantial percentage of the water meters were now being read by radio transmission and that the results have been encouraging both from the standpoint of accuracy and efficiency.

Adjournment.

Richard D. Wood, Jr.
MAYOR

Frances D. McGuire
CITY CLERK

Councilman Ochsenreiter moved to schedule a public hearing on the matter for June 26, 1975. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

GROUP DEVELOPMENT - ASHEVILLE HOUSING AUTHORITY NC 7-1 (B)

11. The City Manager read a letter from the Planning and Zoning Commission which recommended approval of the site plan for Project NC 7-1 (B) Housing for Elderly to be located at the intersection of Bartlett and Fagg Street in the East Riverside Urban Renewal Area, subject to the following conditions:

1) Improvement to internal traffic pattern to facilitate fire fighting equipment and turn-around of vehicles;

2) City Council waiving parking requirements to permit 21 spaces instead of the required 121 spaces; and

3) The developer securing the following letters before final approval is granted:

   a) A statement of the adequacy of water and sewer facilities to service the development; and

   b) A statement of compliance with the Sedimentation Control Ordinance.

Corporation Counsel William C. Moore reported that in regard to the condition that the City Council waive parking requirements to permit 21 spaces instead of the required 121 spaces, under the new zoning ordinance it requires that there be 2 parking spaces on the lot for each dwelling unit, except that in the case of apartments for the elderly or low income housing projects, the required parking may be reduced by one parking space on each lot for each dwelling unit. He said there is a question as to whether the Division of Planning, Zoning Board of Adjustments or City Council has the authority to waive the requirement. He said it was his opinion that the Zoning Ordinance must be amended to grant the Zoning Board of Adjustment or the City Council the authority to waive such parking requirements.

It was the consensus that the Zoning Board of Adjustment could request Council to waive the parking requirements.

Councilman Ochsenreiter moved to schedule a public hearing on the matter for June 26, 1975. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Mayor Wood requested that the Asheville Housing Authority make arrangements with the Asheville Transit Authority for the re-routing of bus schedules during the closing of the streets and construction in the East Riverside Urban Renewal Area.

REPORT ON PETITION FROM RESIDENTS OF DRUID DRIVE FOR RELIEF OF FLOODING

Mr. Bill Edens, Water and Sewer Department Director, stated that the pipe culvert behind the T and H Tire Company adjacent to Druid Drive is incapable of carrying flood waters, expected to occur once a year.

Councilman Colton took his seat at 3:12 o'clock p. m.

Councilman Horton expressed appreciation to the City Manager and his staff for their efforts in preparing the budget and for holding the tax rate at the present level. He said Council would be reviewing the budget in detail before the third and final reading.

Councilman Horton moved for the adoption of the ordinance. This motion was seconded by Councilman Colton.

On a roll call vote of 5-0, Ordinance No. 848 passed on its first reading.

ORDINANCE NO. 847 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (PROPERTY OF MR. JOHN WOODY - 9-1/2 EAST STARNES COVE ROAD)

3. Consideration was given to the second reading of Ordinance No. 847, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Property of Mr. John Woody - 9-1/2 East Starnes Cove Road).

Mayor Wood advised that members of Council had previously been furnished copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 847 passed on its second reading.

RESOLUTION NO. 75-83 - RESOLUTION AUTHORIZING AN APPROPRIATION OF $538.50 TO THE ASHEVILLE-BUNCOMBE COUNTY BUREAU OF INDENTIFICATION

4. Consideration was given to a resolution authorizing an appropriation of $538.50 to the Asheville-Buncombe County Bureau of Indentification.

The City Manager read the resolution.

Mr. Michalove, Assistant City Manager, explained that this grant would allow for improvements to the record keeping system of the Asheville-Buncombe County Bureau of Identification by switching to an automated system, thereby increasing productivity. He said the total cost of the project would be $21,540. He said the federal grant would cover $19,386; the State $1,077 and the City and County sharing the remaining $1,077. He said the County had already passed a resolution authorizing the Chairman to submit the grant application.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 75-83 was unanimously adopted.

Complete text of Resolution No. 75-83 will be found in Resolution Book No. 8 at page 144.

RESOLUTION NO. 75-84 - RESOLUTION AUTHORIZING THE EXTENSION AND/OR TERMINATION OF MODEL CITIES CONTRACTS

5. Consideration was given to a resolution authorizing the extension and/or termination of Model Cities Contracts.

Thursday - June 12, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Bill B. Horton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/ City Clerk William F. Wolcott, Jr.

Absent: Councilmen Eugene C. Ochsenreiter and Henry E. Colton

1. Approval of minutes of June 5, 1975 meeting.

Councilman Horton noted that in regard to his statement, recorded on page 262 of the minutes, relative to Thoms Cablevision's projected operating gain for 1975, the minutes reflects that he stated that "the firm would not have a projected operating gain of $26,389" and the minutes should read "that the firm would have a projected operating gain of $26,389." The City Clerk advised that this change would be made.

PUBLIC HEARING - 1975-76 BUDGET

ORDINANCE NO. 848 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1975-76

2. A public hearing was held on the presentation of the 1975-76 Budget.

Mayor Wood opened the public hearing at 3:03 o'clock p. m.

The City Manager read the notice to the public and affidavit of publication setting the time and date for the hearing. He also advised that all requirements for presenting the budget, under the Budget Control Act, has been complied with in accordance with the act.

Mr. Edward T. Vogel, Administrator for the Orthopedic Hospital and Rehabilation Center, Inc., read a letter requesting Council to consider appropriating $80,000 to the hospital Building Fund. He said the Board of Trustees had approved a $745,000 capital fund drive to expand the services of Orthopedic Hospital. This to include the following:

Handi-Skills Sheltered Workshop;
Speech and Hearing Building;
Indoor Hydrotherapy Pool; and
Gymnasium

He said at the height of their campaign, Buncombe County granted $200,000 for the construction of a school building, but that the drive was still $135,000 short of their goal. He said an early decision would be greatly appreciated.

Mr. E. R. McCarthy asked that any unnecessary frills in the budget be eliminated in order to leave a broader base to cover any inflationary costs.

There being no further comments from the public or Council, Mayor Wood closed the public hearing at 3:10 o'clock p. m.

At the request of Mayor Wood, the Corporation Counsel read the budget ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the fiscal year 1975-76.

After discussion, Councilman Colton moved that the City Council recommend that the General Assembly adopt the original proposal that the amount of the ad valorem tax on business inventories paid to local governments be a credit against the North Carolina Income Tax of the entities involved. This motion was seconded by Councilman Horton and unanimously adopted.

Mayor Wood directed that the City Clerk send telegrams to the members of the General Assembly advising them of Councilman Colton's motion which was unanimously adopted.

CHAMBER OF COMMERCE - REQUEST FOR LEASE OF CITY PROPERTY - ASHEVILLE AIRPORT

The City Manager presented a request from the Asheville Area Chamber of Commerce proposing to lease a booth at the Asheville Airport for an Information Center. He said he needed direction from Council to give notice to the public that the Council will consider executing such lease for property at the Asheville Airport to the Asheville Area Chamber of Commerce.

Councilman Morris moved to direct the City Clerk to publish a notice to the public that Council will consider executing such a lease with the Asheville Area Chamber of Commerce at the meeting of June 26, 1975. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

AMENDMENTS TO ZONING ORDINANCE REQUESTED

The City Manager read a letter from the Planning and Zoning Commission which recommended approval of the following:

(1) Petition submitted by Penland and Sons Funeral Home requesting that the wording of Ordinance #322 be amended to permit Funeral Homes as an allowed use in Commercial General District; and

(2) Recommendations suggesting several wording changes in Ordinance #322 submitted by the Zoning Administrator on behalf of the Board of Adjustments.

Further, the staff of the Planning and Zoning Commission recommends that in order to carry out the Commission's recommendations of granting a variance for parking requirements on Asheville Housing Authority Project NC 7-1 (B) that Ordinance #322 be amended to read as follows:

Page 16 - Paragraph G.

"Any residential use. Two (2) parking spaces on the lot for each dwelling unit, except that, in the case of any apartment complex for the elderly, or subsidized low income housing projects, parking requirements will be determined by the City Council after receiving recommendations from the Planning and Zoning Commission and its staff."

Councilman Morris moved to schedule a public hearing on the matter for July 10, 1975. This motion was seconded by Councilman Colton and carried unanimously.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Morris, Resolution No. 75-84 was unanimously adopted.

Complete text of Resolution No. 75-84 will be found in Resolution Book No. 8 at page 145.

COUNCIL'S POSITION ON GENERAL ASSEMBLY HOUSE BILL 473 REDUCING PROPERTY TAX ON BUSINESS INVENTORIES

Mayor Wood explained that House Bill 473 would provide for a 50% reduction in the property tax on business inventories, phased in over the next five years. He said, originally the reason for this bill was to encourage industry to locate within the State.

At the request of Mayor Wood, the City Manager advised that he had obtained estimates from the Buncombe County Tax Supervisor's office as to the possible impact of such legislation. He said, based on the assumption of a 90% collection rate, the City would lose $56,000 in revenues the first year and by the end of the five year period, the revenue loss to the City was estimated to be $281,520 per year.

Councilman Morris said he felt the City would lose more revenue than estimated because the tax collection rate from businesses was higher than 90 per cent. He said he favored the inventory tax only if the State absorbed the revenue loss.

Councilman Horton said it appeared to him that the psychology of trying to induce industries to locate here was sound but that he did not favor the city paying the bill for the revenue loss.

Councilman Hoyle said he was in favor of the legislation and did not foresee any losses because if this encouraged industry into the area it would be well worth it. He said North Carolina is the only State in this part of the country with this type of tax and a lot of industry has declined from coming into North Carolina for this reason.

Vice-Mayor Marshall concurred in Councilman Hoyle's statement.

Mayor Wood said it was his opinion that the original design of the bill was to attract industry, however it was expanded to include not only industry inventories but also retail establishments for all merchants. He said if the motive or purpose was to attract industry, he felt extending the exemption to retail inventories did not contribute to the original purpose.

He said a suggestion had been made that the inventory tax be reduced to manufacturing concerns but not to business establishments of a non-manufacturing nature and this could still accomplish the original purpose.

Councilman Colton said he felt that all members of Council would agree that the original proposal was satisfactory, however he also felt Council had an obligation to represent the taxpayers of the City of Asheville and traditionally the sources of the city's revenues have been curtailed rather than extended and this would be just another curtailment.

APPEAL OF KENNETH BISHOP - DISMISSED FROM THE ASHEVILLE FIRE DEPARTMENT

Corporation Counsel William C. Moore reported, as information, that Mr. Kenneth Bishop had requested that his appeal from Civil Serice Rulings be dismissed and that he be reinstated. He said this would require concurrence by the Civil Service Board, the City Manager and the Corporation Counsel. He said concurrence by the Civil Service Board would be forthcoming at a later date.

AIRPORT IMPROVEMENTS HEARING

Corporation Counsel William C. Moore reported that on Tuesday, July 10, 1975, Verl Emrick,Gary Taylor, and himself met with Mr. Kenneth Youngblood and Mr. Albert Sneed, attorneys representing landowners of property in the vicinity of the Asheville Airport. The purpose of the meeting was to discuss the scheduled public hearing relative to the environmental impact of the proposed extension to the airport. During the conference Mr. Youngblood questioned the feasibility of determining the total environmental impact on the property in the area without also reviewing the zoning ordinance for the airport, now also under consideration by the FAA and City Council. Both attorneys requested additional time to review the proposed zoning ordinance as well as to confer with the city's airport consultants on other aspects of the project. Mr. Moore said he concurred with this request.

Councilman Morris moved to postpone indefinitely, the public hearing on the environmental impact of the proposed runway extension at the Asheville Airport, scheduled for June 16, 1975 at 2:00 o'clock p. m. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

REPORT OF CORPORATION COUNSEL ON STATEMENT MADE BY MR. HAROLD THOMS

Corporation Counsel William C. Moore requested that, as instructed by Council, he had looked into the statement made by Mr. Harold Thoms of Thoms Broadcasting Companies, Inc. at last weeks meeting, relative to his intentions of curtailing cablevision service within the City Limits of Asheville.

Mr. Moore said that according to Section 26 of the franchise, which reads as follows: "The grantee shall develop its system as herein provided and offer services wherever practicable to every resident of the City of Asheville served by the public utilities of the City of Asheville including city water, sewer facilities, Carolina Power and Light Company facilities, Southern Bell Telephone and Telegraph Company services and Publis Service Gas gacilities." He said if Mr. Thoms' statement is taken in context and if Mr. Thoms in fact does intend that there will be no further expansions in the City of Asheville, even where practical, then it would be his opinion that there would be a violation of the terms of the franchise held by Mr. Thoms. He said he would like a clarification of Mr. Thoms' intentions, at which time he would make a recommendation to the Council for further action.

Councilman Morris moved to instruct the Corporation Counsel to contact Mr. Thoms with reference to a clarification of the statement. This motion was seconded by Councilman Colton and carried unanimously.

MR. E. R. McCARTHY - COMMENTS RELATIVE TO ASHEVILLE CIVIC CENTER

Mr. E. R. McCarthy read a letter to Council, addressed to the editor of the Asheville Citizen-Times. In the letter he critized the operation of the Asheville Civic Center.

Adjournment.

Richard D. Woods, Jr.
MAYOR

Marian F. Rollins, CMC
CITY CLERK

REZONING REQUEST - MRS. NEVA A. HANCOCK - 16 AND 22 BROAD STREET

The City Manager read a letter from the Planning and Zoning Commission which recommended that the request of Mrs. Neva A. Hancock that Lots 12 and 13-1/2, Sheet 4, Ward 2 (16 and 22 Broad Street) be rezoned from R-3 Residential District to CH Commercial Highway, be denied and the property remain as it is now zoned. He advised that he had received a letter from James S. Howell, attorney for Mrs. Hancock, requesting that a public hearing be scheduled for the matter.

Councilman Morris moved to schedule the public hearing for July 10, 1975, to be advertised at the petitioners expense. This motion was seconded by Councilman Boyle and carried unanimously.

COMMUNITY DEVELOPMENT APPROVAL

Mr. Michalove, Assistant City Manager, advised that the City of Asheville had received a letter from the Department of Housing and Urban Development dated June 9, 1975 announcing that the Community Development entitlements in the amount of $2,779,000 had been approved. He said the program would get under way immediately, roughly 10 days.

Mayor Wood noted that Asheville was second in North Carolina, behind Charlotte, in receiving approval for the Community Development Program. He said the HUD office had been very complimentary about the thoroughness and the detailed application and he felt the efforts of the staff working on the program was commendable.

RESOLUTION NO. 75-85 - RESOLUTION APPOINTING MEMBERS TO THE BOXING AND WRESTLING COMMISSION FOR THE CITY OF ASHEVILLE (Robert B. Terrell, Leon H. Feldman, and Thomas E. Saunooke)

Consideration was given to a resolution appointing Robert B. Terrell, Leon H. Feldman, and Thomas E.Saunooke as members of the Boxing and Wrestling Commission.

The City Manager read the resolution.

Upon motion of Councilman Horton, seconded by Councilman Hoyle, Resolution No. 75-85 was unanimously adopted.

Complete text of Resolution No. 75-85 will be found in Resolution Book No. 8 at page 147.

CLAIM - WATER DAMAGE - THE MAD HATTER SHOPPE WAREHOUSE

Corporation Counsel William C. Moore reported that with reference to a claim for storm water damage to merchandise submitted by the Mad Hatter Shoppe Warehouse on Merrimon Avenue, that he had turned this claim over to the City's insurance carrier, Mr. G. M. Williams, Jr. An investigation was made by their adjustors and members of the City Staff and Mr. Williams now recommends that the claim be denied and that he concurred with this recommendation.

Councilman Morris moved to accept the recommendation of the Corporation Counsel and deny the claim submitted by the Mad Hatter Shoppe Warehouse. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Mayor Wood directed the City Clerk to notify Mr. J. Lawrence Smith that the claim had been denied.

The City Manager advised that during the past week Council had reviewed the budget in detail and that he was instructed to make several adjustments. He said that these adjustments had been made in the form of an amendment which had been prepared for Council's consideration.

ORDINANCE NO. 850 - AMENDMENT TO ORDINANCE NO. 848, "AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1975-76"

Councilman Colton presented the amendments and moved for its adoption. This motion was seconded by Councilman Horton.

On a roll call vote of 5-0, Ordinance No. 850 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of Ordinance No. 850. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 850 passed on its second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of Ordinance No. 850. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 850 passed on its third and final reading.

Vice-Mayor Marshall then requested that the City Clerk call the roll on the second reading of Ordinance No. 848, as amended.

On a roll call vote of 5-0, Ordinance No. 848 passed on its second reading.

ORDINANCE NO. 847 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

4. Consideration was given to the third and final reading of Ordinance No. 847, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended.

Vice-Mayor Marshall advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 847 passed on its third and final reading.

BIDS - FIFTY (50) DRY TOP TRAFFIC MODEL FIRE HYDRANTS FOR THE WATER AND SEWER DEPARTMENT

5. Consideration was given to bids received June 16, 1975 for fifty (50) dry top traffic model fire hydrants.

The City Manager presented the bids by reading a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Silverman Company at $240.05 per unit, totaling $12,002.50.

Thursday - June 19, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Bill B. Horton, Eugene C. Ochsenreiter, Jr., Henry E. Colton, Acting Corporation Counsel Robert J. Robinson, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott,Jr.

Absent: Corporation Counsel William C. Moore

1. Approval of minutes of June 12, 1975 meeting.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Morris, the minutes of the June 12, 1975 meeting were approved as submitted.

PUBLIC HEARING - ADOPTION OF AMENDMENTS TO NORTH CAROLINA STATE BUILDING CODE

ORDINANCE NO. 849 - AN ORDINANCE AMENDING SECTION 8-1 OF CHAPTER 8, ARTICLE 1 OF THE CODE OF ORDINANCES, ENTITLED STATE BUILDING CODE ADOPTED

2. A public hearing was held concerning the adoption of amendments relating to the North Carolina State Building Code, Volume I, General Construction, 1967 Edition.

Mayor Wood opened the public hearing at 3:02 o'clock p. m.

The City Manager read the notice to the public and affidavit of publication setting the time and date for the public hearing.

Mr. J. E. Johnson, Building Inspector, explained that this ordinance would adopt all amendments made to the North Carolina State Building Code by the North Carolina Building Code Council through January 1, 1975.

Mayor Wood closed the public hearing at 3:04 o'clock p. m.

The City Manager read the ordinance.

Councilman Morris moved for the adoption of the ordinance. This motion was seconded by Councilman Hoyle.

On a roll call vote of 6-0, Ordinance No. 849 passed on its first reading.

Mayor Wood asked to be excused from the meeting and turned the meeting over to Vice-Mayor Marshall at 3:10 o'clock p. m.

ORDINANCE NO. 848 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1975-76

3. Consideration was given to the second reading of Ordinance No. 848, an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the fiscal year 1975-76.

The City Manager read the resolution.

Mayor Wood rejoined the meeting at 3:25 o'clock p. m.

Mr. Edens, Water and Sewer Director, explained that the encroachments were necessary for the installation of telemetering facilities such as flow monitoring vaults, pressure tap vaults, service poles and necessary water line connections to telemeter information from various points in the Water Distribution System to the Water Treatment Facilities at North Fork Reservoir.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Colton, Resolution No. 75-85 was unanimously adopted.

Complete text of Resolution No. 75-85 will be found in Resolution Book No. 8 at page 148.

William C. Moore, Corporation Counsel, joined the meeting at 3:30 o'clock p. m. and Robert J. Robinson was excused from the meeting.

GRAFFITTI LOUNGE - DISCUSSION

Mayor Wood advised that it had been reported that the State ABC Board, at a meeting held on Monday, June 16, 1975, approved an on-premises beer license for the Graffitti Lounge on Merrimon Avenue. He said the license was approved eventhough the Chief of Police, City Council, and the State ABC Hearing Officer had gone on record as opposing the issuance of the license.

Chief Hall said he had talked with Mr. David McElyea, one of the proprietors, earlier in the day, and was informed that it was their intention to open the business sometime in the future, but that he would contact Chief Hall before doing so. He said it was his understanding that the applicants were highly recommended to the State ABC Board.

Councilman Morris commented that he did not understand why the State ABC Board asked for recommendations from the chief law enforcement officer in a municipality if they were not going to consider such recommendations. He said he felt there was no question about the character of the applicants, but there was a question about the location of the business with the background of prior difficulties.

Councilman Horton said it was his understanding that the same applicants had also obtained a license for and had opened a business on Swannanoa River Road known as "Dr. Feelgood's". He questioned whether or not there was a mix up by the Board on the issuance of licenses for both businesses, since the proprietors were the same.

Chief Hall stated that he was in favor of the issuance of a license for the business on Swannanoa River Road and it had been his understanding that if a license was granted for this location then the applicants would not consider opening the one on Merrimon Avneue. He said he had been assured by the State ABC Board that there was no misunderstanding in the two different licenses and the Board was aware of both locations.

Mayor Wood said that he had just concluded a telephone conversation with Mr. Hickman, a member of the State ABC Board, who confirmed that there was no misunderstanding and that the Board was aware of the prior difficulties of the location as well as the recommendations of the Chief of Police, City Council, and their Hearing Officer, but they had been impressed with the applicants.

Mr. Bill Edens, Water and Sewer Director, explained that most of these hydrants were being purchased to replace inoperable ones.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and to award the bid to the low bidder, Silverman Company at $240.05 per unit, totaling $12,002.50. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Bid Summary - Fifty (50) Dry top Traffic Model Fire Hydrants

Bidder	Bid	
	Unit	Total
Davis Meter and Supply Company	254.44	12,722.00
Dunn Supply Corp.	251.05	12,522.50
B & H Carolinas	250.00	12,500.00
Silverman Company	240.05	12,002.50
Supply Specialties	255.00	12,750.00
Tidewater Supply Company	261.81	13,090.50
ITT Grinnell	255.65	12,782.50
American-Darling	275.00	13,750.00

BIDS - UNIFORMS FOR HILLCREST DRILL TEAM

6. Consideration was given to bids received June 16, 1975 for uniforms for Hillcrest Drill Team for the Parks and Recreation Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Stanbury and Company in the amount of $3,181.40.

Mr. Ray Kisiah, Director of Parks and Recreation, explained that the Hillcrest Drill Team Program had been very successful and they were now extending the program to include girls. He said this was the reason the new uniforms were needed.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Stanbury and Company, in the amount of $3,181.40. This motion was seconded by Councilman Horton and carried unanimously.

Bid Summary - Uniforms for Hillcrest Drill Team

Bidder	Bid	
	Item #1 17 Boys Uniforms	Item #2 14 Girls Uniforms
Stanbury & Company	$1,862.18	$1,319.22
Sol Frank Uniforms, Inc.	No Bid	No Bid
Uniforms by Oswald, Inc.	1,965.03	1,370.88

RESOLUTION NO. 75-85 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR TELEMETERING FACILITIES TO BE INSTALLED AT VARIOUS LOCATIONS IN CONJUNCTION WITH THE WATER TREATMENT FACILITIES AT NORTH FORK RESERVOIR

7. Consideration was given to a resolution authorizing the Mayor to execute a right-of-way encroachment agreement with the North Carolina State Board of Transportation for telemetering facilities to be installed at various locations in conjunction with the water treatment facilities at North Fork Reservoir.

and Air Conditioning Contract and the architect recommended that this bid be accepted.

Davis Electric Company submitted the low bid of $22,999 for the Electrical Contract, and the architect recommended the reduction of several light fixtures which reduced the total to $22,000.

The total of all contracts recommended by Mr. Traber was $343,150. In addition, fencing was added for fire station #2 at $2,800, plus a balance of $3,000 for architectural fees, making a total cost of $348,950 for both stations. Mr. Traber advised that he had met with Fire Chief P. M. Ball and Mr. Wolcott, Assistant City Manager and that all concurred with the deletions and recommendations.

Councilman Morris moved to accept the recommendation of the architect and award the Electrical Contract to Davis Electric Company in the amount of $22,000. This motion was seconded by Councilman Hoyle and carried unanimously.

Councilman Morris moved to accept the recommendation of the architect and award the Heating and Air Conditioning Contract to Twentieth Century Heating Company in the amount of $27,600. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Councilman Colton moved to accept the recommendation of the architect and award the Plumbing Contract to Moser, Inc. in the amount of $31,800. This motion was seconded by Councilman Morris and carried unanimously.

Councilman Morris moved to accept the recommendation of the architect and award the General Contract to Duyck Construction Company in the amount of $261,750. This motion was seconded by Councilman Hoyle and carried unanimously.

A complete bid tabulation will be on file in the Office of the City Clerk.

REPORT OF CORPORATION COUNSEL - THOMS BROADCASTING COMPANIES, INC.

Mr. William C. Moore, Corporation Counsel reported that as directed, he had been in contact with Mr. Max Cogburn, attorney for Thoms Broadcasting Company regarding the intentions of Thoms Broadcasting Company to expand their cablevision service. He read portions of a prepared statement submitted by Mr. Harold Thoms which indicated that it was the intention of Thoms Broadcasting Company to continue expansions of their service within the City Limits. Mr. Moore then advised that in light of the statement submitted by Thoms Broadcasting Company it was now his opinion that they would not be in violation of their franchise with the City of Asheville.

Mayor Wood instructed the City Clerk to insert Mr. Thoms statement into the minutes of the meeting.

The statement is as follows:

Upon inquiry of Councilman Horton as to whether or not the area residents had any recourse, Mayor Wood said it was his understanding that any issuance of a permit by the State ABC Board could not be appealed by any party and that the only step thereafter is to have a revocation of the permit for some violation of the law.

BIDS - RENOVATE LIVINGSTON STREET NEIGHBORHOOD FACILITY

Mr. Ray Kisiah, Director of Parks and Recreation, explained that bids were opened for the renovation of the Livingston Street Community Center on June 3, 1975 by the architects, Six Associates, Inc. He said the low bids were as follows:

General Contract	- Harkey Construction Company	-	$344,200
Plumbing Contract	- Rogers Plumbing & Hearing Company	-	$ 20,000
Heating & Air Cond.	- Moser, Inc.	-	$ 47,900
Electrical Contract	- M. B. Haynes Electric Corporation	-	$ 54,549
	Total		$466,649

Mr. Kisiah noted that the expenses to date from the original $610,000 appropriation for the project was $100,00 for the purchase of the property; estimated $44,000 in architectural fees; leaving a balance of $466,000. However, anticipated additional expenses include $6,000 inspection fees for HUD, which is a built-in cost; $25,000 for additional repair and renovation of the existing building and annex which is not included in the bids; and $25,000 for equipment. He said it appears that the total amount for the project would exceed the amount available by approximately $56,000. He said after meeting with the architects, it was noted that some reductions in the building costs could be made by change orders. He answered general questions of Council as to what could be deleted from the contract. He said it was the architects recommendations that the bids be awarded to the low bidders, subject to HUD review.

Councilman Morris moved to accept the recommendations and award the contracts to the low bidders. This motion was seconded by Councilman Colton and carried unanimously.

Mayor Wood said he felt Council had authorized the full project and that perhaps additional funds could be anticipated from surplus Model Cities funds. He said Council could also consider authorizing change orders at a later date.

A complete bid tabulation sheet will be on file in the Office of the City Clerk.

BIDS - FIRE DEPARTMENT SUB-STATIONS- HENDERSONVILLE ROAD AND SOUTH FRENCH BROAD AVENUE

The City Manager presented low bids received June 10, 1975 for the construction of two (2) fire department sub-stations to be located on Hendersonville Road and South French Board Avenue.

General Contract - Duyck Construction Company - $285,000.

Mr. Larry Traber, architect for the projects, recommended acceptance of this bid with alternate #2 to include the deletion of $13,200 for a skylight over the captain's office. He recommended other deletions in the amount of $11,050 for a total deduction of $23,250, making the final general contract $261,750.

Moser Plumbing submitted the low bid of $31,800 for the Plumbing Contract and the architect recommended that this bid be accepted.

Twentieth Century Heating Company submitted the low bid of $27,600 for the Heating

CITY OF ASHEVILLE WITH A VIABLE CATV SYSTEM SECOND TO NONE IN THIS COUNTRY.

THOMS CABLEVISION MADE SERVICE AVAILABLE TO 3,000 SUBSCRIBERS WITHIN THE FIRST TWO YEARS AND 4 MONTHS OF OPERATION. IN LESS THAN 7 YEARS WE HAVE COVERED OVER 70% OF THE CITY OF ASHEVILLE. WE DELAYED OUR FIRST RATE INCREASE FOR NEARLY THREE YEARS, WE HAVE PUSHED AHEAD CONSTANTLY AND CONSCIENTIOUSLY, DESPITE INFLATION, RECESSION AND LARGE OPERATING LOSSES.

GENTLEMEN, YOU WOULD HAVE TO BE ACTIVE IN THE CABLE INDUSTRY TO REALIZE THE MANY, MANY WAYS IT WOULD HAVE BEEN POSSIBLE TO ACHIEVE A SHORT-RANGE PROFIT PICTURE TO THE NEGLECT OF LONG-RANGE TECHNICAL EXCELLENCE. BECAUSE WE DID NOT PURSUE THIS COURSE WE NOW HAVE A CABLE SYSTEM IN WHICH WE CAN BE JUSTIFIABLY PROUD... 20 CHANNEL CAPABILITY ... TWICE AS MANY TV CHANNEL SELECTIONS AS THE NATIONAL AVERAGE ... SUPERVISED CONSTRUCTION OF 140 MILES OF CABLE THAT HAS ASSURED MAXIMUM QUALITY ... OVER 500 AMPLIFIERS WHICH ARE BEING BALANCED DAILY TO INSURE PICTURE CLARITY ... 2,175 FREE CUSTOMER CALLS IN 1974 ALONE ... PLUS 14 CHANNEL FM SERVICE. AND ... AS I ASSURED YOU IN MY STATEMENT ... WE WILL CONTINUE HIGH QUALITY SERVICE TO OUR SUBSCRIBERS AS WELL AS CONTINUING A STRONG SALES EFFORT.

WHEN I MADE THE STATEMENT THERE WOULD BE NO FURTHER EXPANSION WITHIN THE CITY OF ASHEVILLE UNTIL THE 3 YEAR PERIOD HAD EXPIRED, I DID NOT MEAN TO IMPLY THAT CURRENT CONSTRUCTION WOULD CEASE. THERE ARE TWO AREAS OF THE CITY NOW UNDER CON-

THOMS BROADCASTING COMPANIES, INC.

JUNE 16, 1975

DEAR MR. MAYOR AND MEMBERS OF THE CITY COUNCIL:

I CONSIDER IT UNFORTUNATE THAT MY STATEMENT BEFORE THIS COUNCIL JUNE 13TH WAS SO BRIEF AS TO BE MISUNDERSTOOD AND POSE ANY QUESTION IN YOUR MINDS THAT I WOULD CONCEIVABLY, OUT OF SOME SORT OF BITTERNESS OR "POOR-LOSER" TYPE OF VINDICTIVENESS, DEPRIVE THE CITY OF ASHEVILLE OF ANY FUTURE CABLE CONSTRUCTION. IT HAS BEEN MY INTENTION FROM THE VERY BEGINNING TO SERVE THIS CITY WITH THE FINEST, MOST UP-TO-DATE AND EXTENSIVE CABLE SYSTEM AVAILABLE ... AND I MIGHT ADD, USUALLY THE MOST EXPENSIVE! TO THIS END I HAVE LENT ALL OF MY EFFORT, KNOWLEDGE, EXPERIENCE AND APPROXIMATELY TWO MILLION DOLLARS OF MY PERSONAL FINANCES.

INDEED ... AS ONE MEMBER OF COUNCIL POINTED OUT ... HE DIDN'T SEE HOW A MAN WOULD WANT TO STAY IN BUSINESS AND BE IN THIS TYPE OF LOSS POSITION ... THAT HE WOULD BE VERY PERPLEXED TO KNOW THAT HIS OWN CAPITAL OUTLAY WASN'T BRINGING A GREATER RETURN.

WELL, GENTLEMEN, WHILE A POOR FINANCIAL SHOWING MAY BE PERPLEXING ... AND IS CERTAINLY DISAPPOINTING ... IT IS THE ULTIMATE GOAL THAT IS THE SUSTAINING FACTOR ... AND MY GOAL HAS BEEN ... AND WILL CONTINUE TO BE ... SERVING THE

75 SCENIC HIGHWAY
ASHEVILLE, N. C. 28804
PHONE: (704) 254-4663

MUST SLOW OUR PACE UNTIL SUCH TIME THAT THE GENERAL ECONOMY IMPROVES, INFLATION DECLINES OR A RATE INCREASE PERMITS US TO CROSS INTO THE BLACK.

I STATED EXPANSION WILL GO INTO THE COUNTY. THIS WE WILL DO WHERE IT IS A NATURAL EXTENSION OF OUR PRESENT LINES AND WHERE WE CAN BE ASSURED OF A RETURN ON OUR INVESTMENT THAT WILL BE REASONABLE AND HELP FACILITATE REACHING OUR OVER-ALL GOALS. MAJOR TRUNK LINE EXPANSION INTO THE COUNTY IS NOT IN OUR CURRENT PLANS.

MY INTENTIONS AND MY GOALS FOR FUTURE CONSTRUCTION IN THE CITY, HAVE BEEN, ARE, AND WILL CONTINUE TO BE ATTUNED TO THE ORDINANCE FRANCHISE AND THE SIMPLE ECONOMICS OF THE CABLE INDUSTRY. TOWARD THIS END WE SEEK THE COUNCIL'S COOPERATION.

SINCERELY YOURS,

Harold H. Thoms

HAROLD H. THOMS

STRUCTION ... ON WATERS ROAD AND SOUTH FRENCH BROAD. ANOTHER AREA IS ALREADY MAPPED AND ENGINEERED FROM TUNNEL ROAD TO THE SAYLES BLEACHERIES VILLAGE AREA, WHICH WILL INCLUDE THE NEW JAYCEE HOUSING DEVELOPMENT AND SERVE 240 RESIDENTIAL UNITS. THIS TRUNK EXTENSION PUTS US ON THE THRESHOLD OF SERVING THE ENTIRE SOUTHERN PORTION OF ASHEVILLE. ALL OF THESE PROJECTS WILL CONTINUE AS PLANNED. FURTHERMORE, EXTENSION INTO SEVERAL OTHER AREAS IS NOW UNDER CONSIDERATION AND CONSTRUCTION WILL PROCEED WITHIN THOSE AREAS WHEN ECONOMIC CONDITIONS IMPROVE.

CABLE CONSTRUCTION IS NOT A CONTINUOUS PROCESS IN ANY CITY, EVEN IN THE MOST PROSPEROUS TIMES, AND WE FEEL IT IS TO OUR CREDIT THAT DURING THIS DEPRESSION, WHEN MANY OF THE GIANTS OF INDUSTRY ON THE NATIONAL, REGIONAL AND LOCAL SCENE HAVE BEEN CURTAILING BOTH CAPITAL INVESTMENT AND EMPLOYMENT, OUR CABLE OPERATION HAS MOVED STEADILY FORWARD, OUR EMPLOYMENT HAS REMAINED CONSTANT AND OUR PLANS FOR THE FUTURE HAVE NEVER WANED.

NOT ONLY DO WE INTEND TO PROVIDE CABLE SERVICE TO THE REMAINDER OF ASHEVILLE, WE ALSO WANT TO PROVIDE ADDITIONAL SERVICES FOR OUR SUBSCRIBERS ... SUCH AS A NEWS CHANNEL, FREE FM SERVICE, THE BROADCAST OF POLICE AND FIRE CALLS, STOCK MARKET, N.O.A.A. WEATHER UPDATES AND A SPORTS CHANNEL ... AS WELL AS ENCOURAGE THE CITY OF ASHEVILLE'S EDUCATIONAL SYSTEM TO MAKE USE OF THEIR ALLOCATED CHANNEL.

NOW, AS IN THE CASE OF MANY OTHER BUSINESSES, WE

He said Council has also made adjustments in the compensation for members of City Council. He presented a publication from the North Carolina League of Municipalities which surveys all salaries, and it was Council's feeling that the results of this analysis demonstrated the fact that the compensation of members of the Council and the Mayor were dramatically out of line. He said members of Council were presently compensated at the rate of $75 per month for members of Council and $150 per month for the Mayor. He said Council set a proposed increase for compensation for members of Council to take effect January 1, 1976 as follows: Mayor - $400 per month
Vice-Mayor - $200 per month
Councilmen - $150 per month

He said eventhough Council had made relatively few changes in the budget, it was a very difficult budget. He again commended the staff for the advance work in preparing the budget.

GROUND-BREAKING CEREMONIES - MOUNTAIN AREA HEALTH EDUCATION CENTER

Mayor Wood announced that next Thursday, June 26, 1975 at 3:00 o'clock p. m. ground-breaking ceremonies would be held for the new Mountain Area Health Education Center on the grounds of Memorial Mission Hospital. He said he felt this was a special occasion and that the Council meeting scheduled for 3:00 o'clock p. m. next Thursday would be delayed until after the ground-breaking ceremonies giving members of Council an opportunity to attend the ceremonies.

ORTHOPEDIC HOSPITAL AND REHABILITATION CENTER, INC.- REQUEST FOR FUNDS

Mr. Edward T. Vogel, Administrator for the Orthopedic Hospital and Rehabilitation Center, Inc. asked Council if a decision had been made on their request for Council to appropriate $80,000 to the hospital building fund.

Mayor Wood advised that the budget, as read on second reading, did not reflect an appropriation for their request. However, it was subject to change before the third and final reading.

Adjournment.

Richard D. Wood, Jr.
MAYOR

CITY CLERK

Mr. Carl Johnson again asked why cablevision service could not be extended to the Hillcrest Housing Project. He was advised that a survey was made in the area and the number of residents wanting the service did not warrant the installation of the cablevision.

Mr. Johnson said he did not feel Thoms Broadcasting Company made an adequate survey of all the residents.

Councilman Morris suggested that the Asheville Housing Authority correspond with Thoms Broadcasting Company in regard to the cost of installation of the main cablevision service line to the Housing Project. He said if the Housing Authority could help with the cost of the main line, this would defray the cost of individual lines.

Mayor Wood instructed the City Clerk to communicate with Mr. Harold Thoms, by letter, advising him that Council acknowledged receipt of his statement of June 16, 1975 and that in discussion it was requested by Mr. Carl Johnson that a door to door survey be made in the Hillcrest Apartments area and that Council commended this request to him.

Mr. Johnson also commented that, in federal contracts that were let, by the City, there were stipulations to provide apprenticeship training programs and affirmative action programs, however, he did not feel that these stipulations were being carried out. He said Council should encourage these programs to be carried out.

Councilman Horton suggested that a paragraph be added to the contracts that the contractor must furnish the City with a progress report relative to their affirmative action programs.

Mayor Wood instructed the City Manager to pursue Councilman Horton's suggestion and report his findings back to Council.

MR. E. R. McCARTHY - CABLEVISION

Mr. McCarthy commented that he found it to be ridiculous for Public Housing Projects to be demanding cablevision service when they could not even afford to pay for city services.

MRS. ROY ROGERS - DOWNTOWN GROCERY STORE

Mrs. Roy Rogers asked Council if they could encourage someone to open a downtown grocery store, especially for the benefit of the Senior Citizens who must walk to get their groceries.

REVIEW OF BUDGET CHANGES

Mayor Wood reviewed some of the budget adjustments made by Council during the past week. He said approval was given to a proposed dispensary, which would consist of a registered nurse and consultant physician to be established in the City Hall Building in order to minimize time loss in sending personnel to the hospital emergency room. He said this would be financed with Revenue Sharing. He said the various fees from the inspection division were increased due to the expansion of code enforcement into the one-mile perimeter. Also, the estimated revenues from the Civic Center were increased. He said Council also made more updated estimates of revenues from various state utility taxes, local option sales tax, etc. based upon experience from May, 1975.

Mr. W. C. King, Executive Director of the Asheville Housing Authority, explained that the two story facility would house the administrative offices of the Housing Authority, which would be connected to the Aston Park Towers by a breezeway. He said the property now occupied by the Authority would be used as a community facility for the senior citizens in the Aston Park Towers.

Mr. King noted that Wilkins-Hart Mortuary, the existing tenant of the property in question, has agreed with the plans to develop the parcel prior to their business being relocated. He presented a letter from Mr. Osborne Hart which stated that he was in agreement with the plans.

Mayor Wood instructed the City Clerk to include Mr. Hart's letter of May 8, 1975 in the minutes.

The letter is as follows:

May 8, 1975

Mr. W. C. King
Executive Director
Housing Authority of the City of Asheville
P. O. Box 1898
Asheville, North Carolina 28802

Re: Disposal Parcel No. 14
East Riverside Project
N. C. R-48

Dear Mr. King:

This is to advise that I am the tenant in possession of Wilkins-Hart Mortuary and that I am in agreement with your plans to develop subject parcel prior to my business being relocated. These plans being defined as follows:

(1) The Housing Authority is authorized to advertise for bids and construct an Administration Building in front of Wilkins-Hart Mortuary.

(2) The Housing Authority will provide a driveway exit between the new construction and Wilkins-Hart Mortuary tying into Timothy Street.

(3) The Housing Authority will adjust the monthly rental paid by Wilkins-Hart Mortuary to compensate for construction inconvenience at the time such construction commences.

Very truly yours,

WILKINS-HART MORTUARY

Osborne Hart

Thursday - June 26, 1975 - 3:28 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., Bill B. Horton, Eugene C. Ochsenreiter, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman J. W. Hoyle

Council convened the meeting at 3:28 o'clock p. m. Mayor Wood apologized for the Council meeting being delayed and said that Council members had attended the ground-breaking ceremonies of the Mountain Area Health Education Center on the grounds of the Memorial Mission Hospital. He said this was a significant event for the community.

1. Approval of minutes of June 19, 1975 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Ochsenreiter, the minutes of the June 19, 1975 meeting were approved as submitted.

PUBLIC HEARING - SITE PLAN FOR PROJECT NC 7-1 (A) OFFICE STRUCTURE ON SOUTH FRENCH BROAD FOR ASHEVILLE HOUSING AUTHORITY

2. A public hearing was held relative to the site plan for Project NC 7-1 (A) Office Structure on South French Broad Avenue for the Asheville Housing Authority.

Mayor Wood opened the public hearing at 3:30 o'clock p. m.

The City Manager read the advertised notice to the public and affidavit of publication setting the time and date for the public hearing.

Verl Emrick, Director of Planning, reported that the Planning and Zoning Commission had recommended approval of the site plan subject to the following conditions:

1) That the parking lot entrance on South French Broad be modified to reduce possible conflicting turning movements with service vehicles in route to Aston Towers; and

2) That the developer secure the following letters before final approval is granted:

   a) A statement of the adequacy of the water and sewer facilities to service the development;

   b) A statement from the Zoning Administrator approving all proposed curb cuts; and

   c) A statement of compliance with the Sedimentation Control Ordinance.

He reviewed the site plan and the requirements for the non-residential structure.

Councilman Colton moved to approve the original site plan of Project NC 7-1 (B) subject to the conditions set forth by the Planning and Zoning Commission, also subject to the waiver of the parking requirements by the Zoning Board of Adjustments. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

BIDS - WATER QUALITY IMPROVEMENTS - PHASE II

4. Mr. Charles Willis, of O'Brien & Gere Engineers reviewed bids received on June 17, 1975 for Phase II of the Water Quality Improvements. He said Phase II involved the construction of a Basic Filtration Plant at North Fork Reservoir and a Water Quality Control Facility. He said upon completion of this project, this should fulfill all the obligations and technical requirements to make the water better in keeping with regulatory standards. He said the low bids were as follows:

General - Gilbert Engineering Company -	$5,177,398
Electrical - M. B. Haynes Electric Corp. -	105,669
Heating & Ventilating - 20th Century Heating Co. -	29,850

He said only one bid was received for the plumbing contract which was not opened and was being re-bid. He said there were several minor irregularities included for the bids, however it was their recommendation that Council waive all informalities, since none were of apparent consequences, and that Council award the contracts to the low bidders.

Mr. Edens, Water and Sewer Director, concurred with the engineers recommendation.

Councilman Morris moved to accept the recommendation of the engineer and award the contracts to the low bidders. This motion was seconded by Councilman Colton and carried unanimously.

A complete bid summary will be on file in the Office of the City Clerk.

PUBLIC HEARING - CLOSING OF A PORTION OF LANNING STREET AND RIDGELAWN ROAD

RESOLUTION NO. 75-87 - RESOLUTION TO CLOSE A PORTION OF LANNING STREET AND RIDGELAWN ROAD

5. A public hearing was held concerning a request by the Asheville City Board of Education that a portion of Lanning Street and Ridgelawn Road be permanently closed.

Mayor Wood opened the public hearing at 4:20 o'clock p. m.

The City Manager read the resolution calling for a public hearing on the matter and the affidavit of publication setting the time and date for the public hearing. He also stated that he had received an affidavit stating that the proper notices were placed in accordance with the provisions of the resolution.

Mayor Wood instructed that the affidavit be put into the minutes of the meeting.

The affidavit is as follows:

Mayor Wood closed the public hearing at 3:43 o'clock p. m.

Councilman Morris moved for the approval of the site plan for Project N C 7-1 (A) subject to the conditions set forth by the Planning and Zoning Commission. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

PUBLIC HEARING - SITE PLAN FOR PROJECT NC 7-1 (B) HOUSING FOR ELDERLY - BARTLETT AND FAGG STREET - EAST RIVERSIDE URBAN RENEWAL AREA

3. A public hearing was held relative to the site plan for Project NC 7-1 (B) Housing for Elderly to be located at the intersection of Bartlett and Fagg Street in the East Riverside Urban Renewal Area.

Mayor Wood opened the public hearing at 3:43 o'clock p. m.

The City Manager read the advertised notice to the public and affidavit of publication setting the time and date for the public hearing.

Verl Emrick, Director of Planning, reported that the Planning and Zoning Commission had recommended approval of the site plan subject to the following conditions:

1) Improvement to internal traffic pattern to facilitate fire fighting equipment and turn-around of vehicles;

2) City Council waiving parking requirements to permit 21 spaces instead of the required 121 spaces; and

3) The developer securing the following letters before final approval is granted:

   a) A statement of the adequacy of water and sewer facilities to service the development; and

   b) A statement of compliance with the Sedimentation Control Ordinance.

He reviewed the site plan in detail and presented an alternate plan which would provide for a turn around for vehicles as well as additional parking spaces. He said the waiving of the parking requirements was still before the Zoning Board of Adjustments and a decision had not been made as of this date.

Mr. W. C. King, Executive Director of the Asheville Housing Authority, said if the alternate plan was accepted it would probably be necessary to delete several of the units in order to provide for the additional parking spaces. He said parking is not needed for the Elderly units. He also said he did not feel the Transit Authority could justify bus service on a turn around when a bus stop is only one-half block away.

Upon inquiry of Mayor Wood concerning better access for fire fighting equipment to the facility, Mr. Jan Weigman, architect, said that he would check into the possibility of adding fire fighting equipment to the interior courtyard. He said the plans were subject to approval of the North Carolina State Insurance Department, however he felt the building met all code requirements.

Mayor Wood closed the public hearing at 4:05 o'clock p. m.

7. That copies of the said Resolution to Close a Portion of Lanning Street and Ridgelawn Road and calling a public hearing on the question were in fact received by the individuals mentioned in Paragraph 4 as evidenced by the attached registry receipts, properly signed by said above named individuals and postmarked, which receipts are made a part hereof.

8. That the attached registry receipts are the genuine receipts showing delivery of said copies of Resolution of Intent to Close a Portion of Lanning Street and Ridgelawn Road and calling a public hearing on the question to the said named individuals in Paragraph 4 and that said receipts are attached hereto and made a part hereof.

9. That the following are the Certificates of Mailing by Certified Mail and the Registry Receipts referred to above.

10. That the Resolution numbered 75-80 was published once a week for four successive weeks, to wit: June 3, 10, 17 and 24, 1975, in the Asheville Citizen, as shown by clipping attached hereto.

This the 25th day of June, 1975.

William O. Moore, Jr.
Attorney for the Asheville City Board of Education

Sworn to and subscribed before me this the 25th day of June, 1975.

Carol S. Hendrix
Notary Public

My commission expires:

12/13/76

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

RE: RESOLUTION 75-80 AFFIDAVIT

WILLIAM C. MORRIS, JR., being first duly sworn, deposes and says:

1. That the Affiant, William C. Morris, Jr., is the Attorney for the Asheville City Board of Education.

2. That a Resolution of Intent to Close a Portion of Lanning Street and Ridgelawn Road and calling a public hearing on the question was adopted by the Council of the City of Asheville on the 29th day of May, 1975, and said Resolution is numbered 75-80.

3. That North Carolina General Statute Section 160A-299 requires that a copy of said Resolution be sent by Registered or Certified mail "to all owners of property adjoining the street or alley as shown on the county tax records." That all of the property adjoining the portions of said Lanning Street and Ridgelawn Road proposed to be closed is owned by the Asheville City Board of Education.

4. That Mr. and Mrs. George W. Orr and Lois B. McNeil and Ruby F. (Mrs. H. E.) Buckner appear to be among the owners of property in the near vicinity of that portion of Ridgelawn and Lanning Street proposed to be closed as shown in the county tax records.

5. Those individuals mentioned in Paragraph 4 above were not among those parties signing a petition for the closing of a portion of Lanning Street and Ridgelawn Road.

6. That copies of the Resolution to Close a Portion of Lanning Street and Ridgelawn Road and calling a public hearing on the question were deposited enclosed in a post-paid properly addressed wrapper in the Courhouse Station Post Office in the City of Asheville, North Carolina, a post office under the exclusive care and custody of the United Postal Service for mailing by certified mail, return receipt requested, all of which is evidenced by the dated certificates of mailing by Certified Mail, attached to this affidavit and made a part hereof.

Mr. Bill Morris, attorney for the Asheville City Board of Education, presented maps indicating the exact locations of the streets proposed to be closed. He sated that no one would be deprived of ingress or egress of their property by the closing of these streets.

No one expressed opposition to the request that these streets be permanently closed.

Mayor Wood closed the public hearing at 4:28 o'clock p. m.

The City Manager was requested to read a prepared resolution which would close the streets requested to be closed by the Asheville City Board of Education.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Colton, Resolution No. 75-87 was unanimously adopted.

Complete text of Resolution No. 75-87 will be found in Resolution Book No. 8 at page 149.

ORDINANCE NO. 848 - AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET AND FIXING THE TAX RATE OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1975-76, AS AMENDED BY ORDINANCE NO. 850

6. Consideration was given to the third and final reading of Ordinance No. 848, an ordinance adopting and appropriating the operating budget and fixing the tax rate of the City of Asheville for the fiscal year 1975-76 as amended by Ordinance No. 850.

Mayor Wood explained that the ordinance had passed on second reading as amended at last weeks meeting and the ordinance would not be re-read unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 848 passed on its third and final reading.

Complete text of Ordinance No. 848 will be found in Ordinance Book No. 6 at page 297.

ORDINANCE NO. 849 - AN ORDINANCE AMENDING SECTION 8-1 OF CHAPTER 8, ARTICLE 1 OF THE CODE OF ORDINANCES, ENTITLED STATE BUILDING CODE ADOPTED

7. Consideration was given to the second reading of Ordinance No. 849, an ordinance amending Section 8-1 of Chapter 8, Article 1 of the Code of Ordinances, entitled State Building Code Adopted.

Mayor Wood advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 849 passed on its second reading.

Councilman Ochsenreiter moved to suspend the rules and proceed to the third and final reading of the ordinance. This motion was seconded by Councilman Horton and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 849 passed on its third and final reading.

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

RE: RESOLUTION 75-80 AFFIDAVIT

JEFFERSON C. McCONNAUGHEY, being first duly sworn, deposes and says:

1. That the affiant is an employee of the law firm of Morris, Golding, Blue and Phillips, Asheville, North Carolina.

2. That a copy of a resolution entitled "Resolution of Intent to Close a Portion of Lanning Street and Ridgelawn Road and Calling a Public Hearing on the Question," and being numbered "Resolution 75-80" was posted by him in four places along Lanning Street and Ridgelawn Road, to wit, one on Ridgelawn Road as it intersects with Lanning Street and another on Ridgelawn Road along the area of the parking lot of the Hall Fletcher School; one at Lanning Street as it intersects with Wellington Street and the fourth copy on Lanning Street near the point where the road is proposed to be closed.

3. That copies of said resolution were posted by the undersigned under date of May 30, 1975.

This the 25th day of June, 1975.

Jefferson C. McConnaughey
Affiant

Sworn to and subscribed before me this the 25th day of June, 1975.

Connie R. Gunter
Notary Public

My commission expires:
Oct. 23, 1978

Corporation Counsel William C. Moore advised that he had contacted the Attorney General's Office and the Board of Elections and was informed that the present status of the law provides that filing fees for general elections shall be fixed by the governing body.

Councilman Morris commented that Council had set the fee as low as the law would allow.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 75-89 was unanimously adopted.

Complete text of Resolution No. 75-89 will be found in Resolution Book No. 8 at page 153.

AMERICAN NATIONAL RED CROSS - COMMENDING CITY EMPLOYEES - BLOODMOBILE

The City Manager read a letter from Mr. Morris White of the American National Red Cross commending the city employees for their excellent response to the Bloodmobile visit on June 20, 1975. He said 127 city employees donated their blood.

The City Manager also commended the City employees for their response to this appeal for blood.

Mayor Wood concurred on behalf of the City Council on commending the City employees and directed that the letter be made a part of the minutes.

The letter is as follows:

June 23, 1975

The Honorable Richard A. Wood
Mayor of Asheville
Asheville, North Carolina 28801

Mayor Wood:

As you know, the employees of the City of Asheville accepted and sponsored a Bloodmobile visit on June 20, 1975. The operation, which was set up at the main Fire Station, was a tremendous success. You may remember that a similar operation was set up several years ago with little success. However, this time the response was excellent. A total of 127 city employees donated their blood.

The Blood Program is a community concern. We depend entirely on interested groups such as the city employees to participate in the program so that we are able to meet the blood needs of the 36 regional hospitals we serve. Therefore, we commend the employees of the City of Asheville for their concern and participation.

A special thanks should go to Harry Adams, Safety Officer, and Chief P. N. Ball, Asheville Fire Dept., for their help in making this possible. We hope this is just the first of many more successful Bloodmobiles for the City employees.

Again, our thanks for a job well done.

Sincerely,

Morris (bn)

Morris White
Donor Recruitment Representative

Complete text of Ordinance No. 849 will be found in Ordinance Book No. 6 at page 300 .

BIDS - ONE (1) TRACTOR-LOADER FOR THE PARKS AND RECREATION DEPARTMENT

8. Mayor Wood said that consideration of the bids received for one (1) tractor-loader for the Parks and Recreation Department had been postponed.

RESOLUTION NO. 75-88 - RESOLUTION AUTHORIZING MAYOR TO EXECUTE LEASE TO THE ASHEVILLE AREA CHAMBER OF COMMERCE FOR TRAVELER INFORMATION AND INSURANCE BOOTH AT THE ASHEVILLE AIRPORT

9. Consideration was given to a resolution authorizing Mayor to execute lease to the Asheville Area Chamber of Commerce for traveler information and insurance booth at the Asheville Airport.

The City Manager read the advertised notice to the public and affidavit of publication stating the intent of Council to execute such lease.

Mayor Wood pointed out that the lease was for a five (5) year period, however, either party may cancel on 30 days notice during the five (5) year period.

Mr. Jim Ellis of the Asheville Area Chamber of Commerce, explained that with over 160,000 travelers landing at the Airport, he felt it was very important for the Chamber to establish a branch office at the airport. He said travelers information would be available at the booth and it would be staffed and operated seven (7) days a week for a minimum of eight (8) hours a day. He said they were also proposing to be an authorized agent for selling travelers insurance.

Mayor Wood said the lease involved approximately 45 square feet and said he felt this was an effort of cooperation between the City of Asheville and the Asheville Area Chamber of Commerce in order to give better service to patrons of the Airport.

The City Manager read the resolution.

The City Manager said he had received two telephone calls opposing the term of the lease and the amount of revenue to be received from the lease.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, Resolution No. 75-88 was unanimously adopted.

Complete text of Resolution No. 75-88 will be found in Resolution Book No. 8 at page 152 .

RESOLUTION NO. 75-89 - RESOLUTION ESTABLISHING FILING FEE FOR 1975 ASHEVILLE MUNICIPAL PRIMARY AND ELECTION

10. Consideration was given to a resolution establishing filing fee for 1975 Asheville Municipal Primary and Election.

The City Manager read the resolution.

Mr. E. R. McCarthy said he thought there was a recent court ruling that any setting of a filing fee for general elections was in violation of the rights of the poor.

ASHEVILLE CENTER OF PERFORMING ARTS

Mayor Wood noted that on June 28-29 the Asheville Center of Performing Arts will hold its first performance at the Allen Center at 7:30 o'clock p. m. He commended them on their first public performance.

DON FOX - DISCUSSION ON APPRENTICESHIP PROGRAMS

Mr. Carl Johnson asked Mr. Don Foxx, President of the Building and Construction Trades Advisory Council to comment on the apprenticeship programs in Western North Carolina.

Mr. Fox told Council that the apprenticeship programs in Western North Carolina were not being carried out by the contractors. He said Council should have the responsibility of seeing that the law is complied with as a contracting agency on federally funded projects. He said he had requested the state and federal labor boards to make a thorough investigation of the contractors who are required to carry out apprenticeship program.

Upon inquiry by Councilman Colton, Mr. Fox explained that when Mr. Ray Kisiah, Director of Parks and Recreation, appealed for help with the construction of the Children's Zoo, the union members offered their services. However, due to many unemployed persons working at the project, the union members decided to wait until skilled labor was needed. He said he had told Mr. Kisiah and Mr. Frank DeSaix, Director of the Zoo, to call when they needed help. He said up until today no one had communicated with him regarding the status of the project. However, someone had come to his office and told him that organized labor was holding up the project by not helping. Also, Mr. Kisiah had telephoned him today stating that organized labor was going to be critized if they did not start helping. He explained the situation again to Mr. Kisiah and told him that they did not intend to break their commitment however, there must be communication between them.

Mr. Fox commented that the union members who had offered "free gratis" work at the zoo were upset to find out that the City usually did not consider organized labor when awarding contracts that would pay union scale wages.

Adjournment.

Richard A. Wood
MAYOR

CITY CLERK

CLAIM - MRS. MILDRED R. TAYLOR - 929 COUNTRY CLUB ROAD

The City Manager presented a claim received from Mrs. Mildred R. Taylor, 929 Country Club Road for damages to hemlock and white pine trees located on her property.

Mayor Wood referred the claim to the Corporation Counsel for investigation and recommendation.

APPRENTICESHIP PROGRAM - REPORT

The City Manager reported that at last weeks meeting he had been instructed to check into the possibility of the City monitoring contractors as it related to contracts that were funded with federal funds to determine what type of apprenticeship programs and/or training programs they might have. He said the City Staff was now investigating this possiblity.

312 REHABILITATION LOAN PROGRAM - REPORT

Mr. Michalove, Assistant City Manager, said that the publicity campaign was started about two weeks ago on the 312 Rehabilitation Loan Program. He said letters were mailed to all residents in the Community Development area and the inspectors were now starting to process the applications. He said he was pleased with the success thus far.

Councilman Morris said Mr. Michalove's staff should be commended for getting such a good response to the program considering the fact that the City only had three weeks to get the information through to the citizens.

Mr. Michalove also commented that the Department of Housing and Urban Development would probably fund the program to a greater extent if they were assured that the City could process more loans.

BUDGET - SUGGESTION BY COUNCILMAN HORTON

Councilman Horton suggested that the City Manager and the finance staff explore the possibility of a more comprehensive periodic budget review during the next fiscal year.

COUNCIL MEETING - JULY 3, 1975

Mayor Wood announced that Council would not have a meeting on July 3, 1975, due to the lack of scheduled agenda items.

MAC WHITE - BUNCOMBE COUNTY BICENTENNIAL COMMITTEE

Mr. Mac White of the Buncombe County Bicentennial Committee extended a personal invitation to each member of Council to attend a Dutch Treat Dinner and Program on Thursday, July 3, 1975 at Baileys Westgate Cafeteria. He said the program was to commemorate the bicentennial of American Uniform Services.

Upon inquiry of Councilman Colton, Mr. White commented on the status of the Smith-McDowell House. He said there had been quite a lot of work done at the House recently and it was his hope that the House would some day be a Historical Site.

Councilman Horton moved for the adoption of the ordinance. This motion was seconded by Councilman Morris.

Councilman Colton moved to amend the ordinance by deleting the rezoning of Lot 13 1/2. This motion was seconded by Councilman Hoyle and carried on a vote of 4-1, with Councilman Horton voting "no".

On a roll call vote of 4-1, Ordinance No. 851 passed on its first reading.

PUBLIC HEARING - AMENDMENTS TO ORDINANCE NO. 322 - ZONING ORDINANCE

ORDINANCE NO. 852 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE" AS AMENDED

3. A public hearing was held relative to wording amendments to Ordinance No. 322, known as "An Ordinance providing for the zoning of the City of Asheville", as amended.

Vice Mayor Marshall opened the public hearing at 3:20 o'clock p.m.

The City Manager read the advertised notice to the public and affidavit of publication setting the time and date for the public hearing.

Verl Emrick, Director of Planning, reported that the Planning and Zoning Commission recommended approval of the following amendments:

1) Petition submitted by Penland and Sons Funeral Home requesting that Section 30-5-8, Commercial General District, be amended to include the words "funeral homes" as one of those uses permitted under Paragraph A of Section 30-5-8.

He said the Commission recommended approval of this petition for the following reasons:

a) Funeral homes are permitted uses in all Commercial Districts except the Commercial General District;

b) Prior to adoption of the new Zoning Ordinance, the property was zoned "Neighborhood Trading Area" with funeral homes included as a permitted use;

c) It is believed that the inclusion of funeral homes in the Commercial General District would not create a nuisance to the surrounding residential area; and

d) The staff is of the opinion that this amendment to the City of Asheville Zoning Ordinance is in keeping with sound planning and zoning practices.

2) Recommendations suggesting the following wording changes in Ordinance No. 322 submitted by the Zoning Administrator on behalf of the Board of Adjustments:

That the following sections be added to Article 4. Establishment of Districts (pages 51 and 51a):

a) Section 30-4-5. Corner Lots and Through Lots

Corner Lots: In any residential zone, the second street side of a corner lot shall be considered a front yard, but shall be 50% of the front yard requirement in that particular zone, as shown in Appendix III.

Thursday - July 10, 1975 - 3:00 o'clock p.m.

Regular Meeting

Present: Vice-Mayor Calvin W. Marshall, Presiding; Councilmen Ralph D. Morris, Jr., Bill B. Horton, Eugene C. Ochsenreiter, Jr., Henry C. Colton, J. W. Hoyle, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Mayor Richard A. Wood, Jr.

1. Approval of minutes of June 26, 1975 meeting.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, the minutes of the June 26, 1975 meeting were approved as submitted.

PUBLIC HEARING - REZONING OF 16 and 22 BROAD STREET - MRS. NEVA A. HANCOCK

ORDINANCE NO. 851 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. A public hearing was held relative to rezoning Lots 12 and 13 1/2, Sheet 4, Ward 2, from R-3 Residential District to CH Commercial Highway District.

Vice Mayor Marshall opened the public hearing at 3:02 o'clock p.m.

The City Manager read the advertised notice to the public and affidavit of publication setting the time and date for the public hearing.

Verl Emrick, Director of Planning, reported that the Planning and Zoning Commission had recommended that the request be denied and the property remain as it is now zoned for the following reasons:

1) The rezoning would permit encroachment of the Commercial Highway District into an established residential area;

2) The Commercial Highway District permits a wide variety of business and commercial uses, some of which could be offensive to the residential neighborhood; and

3) The rezoning is not in keeping with the Comprehensive Development Plan for this area.

Mrs. Neva Hancock said she owned Lot 12 and previously operated a watch repair shop in her home as a "home occupation" however, they are anticipating moving from this location but wanted to re-open the watch repair shop at the present location. She said the owners of Lot 13 1/2 had joined in with the request to have both lots rezoned to Commercial Highway District and she had a letter to this effect.

After discussion, Councilman Morris suggested that Lot 13 1/2 be deleted from the request since Mrs. Hancock's purpose would be served if Council rezoned only the property in question.

Vice Mayor Marshall closed the public hearing at 3:15 o'clock p.m.

The City Manager read the prepared ordinance which would rezone the property as requested.

two thousand, five hundred (2,500) square feet for each apartment or living unit in excess of one (1) contained therein.

3) Further, the staff of the Planning and Zoning Commission recommended that in order to carry out the Commission's recommendations of granting a variance for parking requirements on low and moderate income housing projects that Ordinance No. 322 be amended to read as follows:

a) That Section 30-3-11. Regulations of Off-Street Parking and Loading (G) Minimum Parking Requirements. be amended to read as follows:

Residential and Related Uses

"Any residential use.	Two (2) parking spaces on the lot for each dwelling unit, except that, in the case of any apartment complex for the elderly, or subsidized low or moderate income housing projects, parking requirements will be determined by the City Council after receiving recommendations from the Planning and Zoning Commission and its staff."

Mr. Emrick reviewed and explained the reasons for each amendment.

A discussion was held relative to corner lot setbacks, after which Councilman Morris suggested that before the third and final reading of the ordinance a clause be added that would provide that the side yard requirements on a corner lot would be 50% of the front yard requirement, but not closer than the average setback of the houses facing on the side street.

Vice Mayor Marshall closed the public hearing at 3:53 o'clock p.m.

The Corporation Counsel read the prepared ordinance which would amend Ordinance No. 322 as requested.

Council Colton moved for the adoption of the ordinance. This motion was seconded by Councilman Ochsenreiter.

On a roll call vote of 4-0, Ordinance No. 852 passed on its first reading.

BIDS - EQUIPMENT FOR TRAFFIC SIGNALIZATION FOR CITY OF ASHEVILLE CENTRAL BUSINESS DISTRICT

4. Consideration was given to bids received June 30, 1975 for equipment for traffic signalization for City of Asheville Central Business District.

The City Manager in presenting the bids read a memorandum from the Purchasing Agent which recommended the acceptance of the lowest bidder on a per item basis as follows:

Graybar Electric Supply Company - Items 1, and 6 through 13, totaling $7,521.45

Westinghouse Electric Supply Company - Items 2, 3, 4, 5, and 14, totaling $4,830.42

Total Recommended: $12,351.87

Through Lots: In any residential zone, both street sides of through lots shall be considered as front yard and shall conform to the front yard depth requirements or the established building lines in the area, as determined by the Zoning Administrator.

b) Section 30-4-6. Adjusting Building Lines

Where lots comprising twenty-five (25) per cent or more of the frontage on the same street within the block are developed with buildings having an average front yard with a variation in depth of not more than 10 feet, no building hereafter erected or structurally altered shall project beyond the average front yard so established provided this regulation shall not be so construed as to require a front yard depth of more than that stipulated in each zoning district. Provided further, no front yard depth need exceed the average provided for the two adjoining buildings, on either side thereof, if such two adjoining buildings are less than 200 feet apart.

Provided further, that when the geographic grade or contour of a lot is such that compliance with this section is impossible or will impose an undue hardship upon the property owner, the Board of Adjustments will establish a front yard depth suitable and practical for such lot.

c) Section 30-4-7. - Cantilevered Structures

Cantilevers on any structure shall not extend three (3) feet beyond the established building line on the lot or any portion of the lot on which the structure is located.

d) That Section 30-5-2 (C), (page 52) Development Standards be amended to reduce the front yard setbacks from 50' to 35' in R-1 Single Family Residential Districts.

e) That Section 30-5-3 (C), (page 53), Development Standards be amended to reduce the front yard setbacks from 50' to 35' in R-2 Low Density Residential District.

f) That Section 30-5-3 R-2 Low Density Residential District be amended to include the following paragraph:

** Provided however, that apartment houses shall, in addition to the above area requirement, increase the minimum building site area three thousand, five hundred (3,500) square feet for each apartment or living unit in excess of one (1) contained therein.

g) That Section 30-5-4 - R-3 Medium Density Residential District be amended to include the following paragraph:

** Provided however, that apartment houses shall, in addition to the above area requirement, increase the minimum building site area two thousand, five hundred (2,500) square feet for each apartment or living unit in excess of one (1) contained therein.

h) That Section 30-5-5 - R-4 High Density Residential District be amended to include the following paragraph:

** Provided however, that apartment houses shall, in addition to the above area requirement, increase the minimum building site area

PRESENTATION OF PRELIMINARY FLOODWAY MAPS

Verl Emrick, Director of Planning, advised, as information, that the preliminary floodway maps had been received from HUD which designated floodway areas. He said he had advised all the major banking and lending institutions that the maps were on file in his office and available for review. Specific recommendations would be forthcoming next week.

REPORT OF CORPORATION COUNSEL - ABSENTEE BALLOTS FOR MUNICIPAL PRIMARY AND ELECTION

Corporation Counsel William C. Moore advised that he had been notified by the State Board of Elections that if the City wishes to allow absentee ballots for the municipal election they could do so under certain conditions. Those being provided that the election be conducted by the County Board of Elections; provided that the governing body adopt a resolution allowing absentee ballots; and provided further that the governing body of the municipality adopt such a resolution no later than 50 days prior to the municipal election and files a copy with the State Board of Elections and the County Board of Elections.

Vice Mayor Marshall instructed the Corporation Counsel to prepare such a resolution for Council's consideration at next weeks meeting.

CLAIM - BEAVER LAKE GOLF COURSE

The City Manager presented a claim filed by the Beaver Lake Golf Club.

Vice Mayor Marshall referred the claim to the Corporation Counsel for investigation and recommendations.

REZONING REQUEST - THE BILTMORE COMPANY AND WESTERN CAROLINA DEVELOPMENT ASSOCIATION

The City Manager read a letter from the Planning and Zoning Commission recommending approval of a request from the Biltmore Company and WNC Development Association that a portion of Lot 1, Sheet 48, Lower Hominy Ward, be rezoned from R-1 Residential District to LI Light Industrial District for the following reasons:

1) The land is well suited for development of this type;

2) Access to the property is adequate by way of Interstate 40 and Brevard Road;

3) Property directly across Brevard Road is presently zoned Light Industrial; therefore, incompatible zoning would not be introduced to the area;

4) The development trend for the Brevard Road area between I-40 and I-26 is expected to become more commercially oriented in the near future. The construction and operation of the WNC Farmers Market will surely encourage and hasten this type of development within the area; and

5) In the staff's opinion, the rezoning is within the scope of sound planning and zoning practices and an amendment would be justified.

Councilman Morris moved to schedule a public hearing on the matter for July 31, 1975. This motion was seconded by Councilman Hoyle and carried unanimously.

The City Manager said these materials are to be used in conjunction with a project to put the wiring underground on Patton Avenue between Coxe Avenue and Pack Square and on Haywood Street from the Civic Center to Patton Avenue.

Mr. Paul Dutcher, Traffic Engineer, answered general questions of Council.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the contracts to Graybar Electric Supply Company for Items 1, and 6 through 13 totaling $7,521.45, and Westinghouse Electric Supply Company for Items 2, 3, 4, 5 and 14, totaling $4,830.42 for a grand total of $12,351.87. This motion was seconded by Councilman Hoyle and carried unanimously.

BID SUMMARY

	GRAYBAR ELECTRIC COMPANY ASHEVILLE, N.C.		WESTINGHOUSE ELECTRIC SUPPLY ASHEVILLE, N.C.		SOUTHEASTERN SAFETY SUPPLY COLUMBIA, S. C.	
ITEM # 1 - 12' MAST ARMS	$169.43 ea.	$3,049.74 ✓	$177.84 ea.	$3,201.12	$193.53 ea.	$3,483.54
ITEM # 2 - 36 TRAFFIC SIGNAL MOUNTS	$ 2.88 ea.	$ 103.68	$ 2.45 ea.	$ 88.20 ✓	$ 2.80 ea.	$ 100.80
ITEM # 3 - 5 8' PEDESTRIAN SIGNAL POLES	$147.29 ea.	$ 736.45	$137.00 ea.	$ 685.00 ✓	$168.24 ea.	$ 841.20
ITEM # 4 - 2 FIXED TIME SIGNAL CONTROLLERS	NO BID		$984.86 ea.	$1,969.72 ✓	$1,141.00 ea.	$2,282.00
ITEM # 5 - 20 - 8" ONE-WAY 3 SECTION TRAFFIC SIGNAL HEADS	NO BID		$102.97 ea.	$2,059.40 ✓	$109.99 ea.	$2,199.80
ITEM # 6 - 2780' - 7 CONDUCTOR #14 SIGNAL CABLE	$248.28 M	$ 670.35 ✓	$346.00 M	$ 934.20	$252.00 M	$ 680.40
ITEM # 7 - 2000' - 5 CONDUCTOR #14 [illegible]	$177.55 M	$ 355.10 ✓	$269.00 M	$ 538.00	$202.00 M	$ 404.00
ITEM # 8 - 1600' 4 CONDUCTOR #14 SIGNAL CABLE	$151.60 M	$ 242.56 ✓	$226.00 M	$ 361.60	$166.00 M	$ 265.60
ITEM # 9 - 1600' - 2 CONDUCTOR #18 FIRE ALARM CABLE	$200.85 M	$ 321.36 ✓	$360.00 M	$ 576.00	$227.00 M	$ 363.20
ITEM # 10 - 1000' #2 TRIPLEX CABLE	$178.60 M	$ 178.60 ✓	$220.00 M	$ 220.00	$260.00 M	$ 260.00
ITEM # 11 - 3800' - 3" PVC CONDUIT	$ 62.28 C	$2,366.64 ✓	$ 68.75 C	$2,612.50	$ 73.00 C	$2,774.00
ITEM # 12 - 75 - 3" PVC 90° BEND	$ 3.76 ea.	$ 282.00 ✓	$ 4.03 ea.	$ 302.50	$ 5.25 ea.	$ 393.75
ITEM # 13 - 50 - 3" PVC COUPLINGS	$ 1.09 ea.	$ 54.50 ✓	$ 1.18 ea.	$ 59.00	$ 1.45 ea.	$ 72.50
ITEM # 14 - 10 - 3" PVC TEES	$ 36.07 ea.	$ 360.70	$ 2.81 ea.	$ 28.10 ✓	$ 12.15 ea.	$ 121.50

Councilman Colton commented that it had been brought to his attention rather forcifully that the State of North Carolina seems to be the only place that someone could have a beer license and have several shootings and killings and the licenses are never lifted. He said in other parts of the country the States greatest disciplinary action was the lifting of licenses. He said all the places of businesses on Broadway and College had had actual homicides at each one during the last twelve months and nothing has been done. He said these incidents should be forcefully brought to the attention of the State ABC Board.

Councilman Ochsenreiter asked that Chief Hall investigate and report the high rate of crime incidents that have occured at these places of business during the last several years.

Adjournment.

MAYOR

CITY CLERK

GROUP DEVELOPMENT REVIEW - HALL FLETCHER MIDDLE SCHOOL

The City Manager read a letter from the Planning and Zoning Commission recommending approval of the site plan of the proposed Hall Fletcher Middle School to be located at the intersection of Garden Circle and Ridgelawn Road in West Asheville, prepared for the Asheville City School Board, Developer, by Baber, Cort and Wood, architects, subject to the following conditions:

1) That adequate parking facilities be provided for both automobile and bus traffic;

2) Submission of completed Environmental Statement; and

3) Steps be taken to supply adequate water to the site for fire protection. At present there are only two six inch lines which serve the site; therefore, it is recommended that the City extend the two eight inch lines in the area to the site before the building is occupied. (These eight inch lines are located on Haywood Road and State Street).

Further, it is recommended that the City take the necessary steps to upgrade Ridgelawn Road and Garden Circle so that the necessary widths can be provided to adequately give access to Haywood Road for bus traffic. Sidewalks should also be constructed to provide a higher degree of safety for those children walking to school.

Councilman Morris moved to schedule a public hearing on the matter for July 31, 1975. This motion was seconded by Councilman Hoyle and carried unanimously.

PETITION - DRUID DRIVE AREA RESIDENTS - PERIODIC FLOODING

The City Manager reported that several weeks ago a petition was presented by the residents of Druid Drive relative to a request for relief from periodic flooding. He said a copy of that same petition was again submitted at this time. He said the Engineering Department, the Street Department and the attorneys are still working on the problem and a full report would be made at next weeks meeting.

BILL JONES - JONES PUBLISHING & PRINT SHOP OF ASHEVILLE - COMPLAINED RELATIVE TO POLICE DEPARTMENT RESPONSES

Mr. Bill Jones, of Jones Publishing Company and the Print Shop of Asheville, located on Broadway & College Streets, said that on several recent occasions he had called the Police Department to remove drunks in front of his place of business and for other assistance and had received much delayed responses. He said he had contacted Mr. Michalove, Assistant City Manager and some of the Councilmen about the matter but felt he needed to voice his complaint for himself as well as for all the other citizens of Asheville who might have had this problem.

At the request of Vice Mayor Marshall, Chief Hall said that the corner of Broadway and College had always been a problem with drunks,etc. and every effort had been made to clean up the area. He said when citizens do not receive responses to their calls he needed to be notified that particular day in order to check into the matter and pin point who is responsible for not responding.

Alternative No. 1

Corner Lots: In any Residential zone, the second street side of a corner lot shall be considered a front yard, but shall be fifty (50%) percent of the front yard requirement in that particular zone, as shown in Appendix III.

Alternative No. 2

Corner Lots: In any Residential zone, the second street side of a corner lot shall be considered a front yard and shall meet the front yard requirement in that particular zone as shown in Appendix III.

Alternative No. 3

Corner Lots: In any Residential Zone, the Board of Adjustment shall set all street line setbacks on corner lots.

Mr. Emrick stated that he preferred Alternative No. 2, however, Alternative No. 1 was the established practice and there was a precedence for using it. He said Alternative No. 3 would cause a lot of referrals to the Board of Adjustments.

After discussion it was the consensus of Council not to change the proposed wording for corner lots.

On a roll call vote of 6-0, Ordinance No. 852 passed on its second reading.

REVIEW OF FLOODWAY MAPS PREPARED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE CITY OF ASHEVILLE IN CONNECTION WITH AREAS TO BE CONSIDERED FOR FUTURE FLOODWAY ZONING

4. Verl Emrick, Director of Planning, reviewed the floodway maps prepared by consultants for the Department of Housing and Urban Development. He advised Council that it was their responsibility to review the maps and make their recommendations for changes before returning them to HUD. He said after further review by HUD they would be dated and returned to the City. He said this area then would be designated as the Floodway Area and regulations would have to placed on these areas within one year after the maps were dated.

Upon inquiry of Mayor Wood, Mr. Emrick said the regulations would be drawn up as a joint effort; however, if the City is to enforce the regulations, it would be to their advantage to draft the regulations.

During a discussion which followed, Mr. Emrick pointed out that the bridges in Asheville created flooding problems and that funds were available from the North Carolina Department of Transportation for replacing these bridges, but it would be on a priority basis.

Mr. Michalove reported that the City and County anticipated receiving some $99,000 from the Tennessee Valley Authority for the purpose of cleaning up 13 miles of the French Broad River.

Councilman Morris questioned whether or nor the City would have the prerogative of amending the maps if and when the City made improvements to the rivers in the floodway areas.

Thursday - July 17, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., Bill B. Horton, Eugene C. Ochsenreiter, Jr., Henry E. Colton, J. W. Hoyle, Acting Corporation Counsel Robert J. Robinson, substituting for William C. Moore, City Manager Ernest J. Ward, Jr., Assistant City Manager/City Clerk William F. Wolcott, Jr.,

Absent: Corporation Counsel William C. Moore

1. Approval of the minutes of July 10, 1975 meeting.

Councilman Horton noted that on page 304, relative to the roll call vote on Ordinance No. 852, the vote was shown as 4-0, and should be 5-0. The City Clerk advised that this change would be made.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Horton the minutes of the July 10, 1975 meeting were approved as amended.

ORDINANCE NO. 851 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Mrs. Neva A. Hancock on Broad Street)

2. Consideration was given to the second reading of Ordinance No. 851, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Property of Mrs. Neva Hancock on Broad Street).

Mayor Wood advised that at the first reading the ordinance was amended by deleting Lot 13-1/2 from the request. He also advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Mr. Joe Bell, representing the Grove Park Sunset Citizens Association, voiced opposition to the rezoning of the property in question stating that a commercial highway zone would threaten the existing residential neighborhood.

On a roll call vote of 6-0, Ordinance No. 851, as amended, passed on its second reading.

ORDINANCE NO. 852 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Wording changes)

3. Consideration was given to the second reading of Ordinance No. 852, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, as amended. (Wording changes).

Mayor Wood advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read unless there was a specific request to do so.

Verl Emrick, Director of Planning, said that at Council's request he now recommended the following suggested alternatives relative to "corner lots".

RESOLUTION NO. 75-92 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN CONTRACTS TO RENOVATE THE LIVINGSTON STREET NEIGHBORHOOD FACILITY

7. Consideration was given to a resolution authorizing the Mayor to sign contracts to renovate the Livingston Street Neighborhood Facility.

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Colton, Resolution No. 75-92 was unanimously adopted.

Complete text of Resolution No. 75-92 will be found in Resolution Book No. 8 at page 156.

REQUEST FOR AUTHORIZATION TO PROCEED WITH THE ADVERTISING FOR BIDS FOR ENCLOSING PORTIONS OF THE COVERED WALKWAY AT THE ASHEVILLE AIRPORT

8. Mr. Gary Taylor, Director of Aviation, presented a sketch for a project to cover the concourse at the Asheville Airport. He said he had been advised by the FAA that enclosing these walkways would increase the security; cut out congestion in the area; and provide better provisions for searching. He said the total cost of the project would be approximately $11,000, which was budgeted in this years budget using Revenue Sharing funds.

After discussion, Councilman Colton moved to authorize the Purchasing Agent to proceed with the advertising for bids for enclosing portions of the walkways at the Asheville Airport. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

BIDS - 50 FIRE HYDRANTS FOR THE DEPARTMENT OF WATER AND SEWER SERVICES

9. Consideration was given to bids received July 14, 1975 for fifty (50) fire hydrants for the Department of Water and Sewer Services.

The City Manager read a memorandum from the Purchasing Agent which recommended the low bid submitted by American-Darling Valve & Manufacturing Company, Birmingham, Alabama in the amount of $12,272.20, be accepted.

Mr. Jesse Jayne , representing Supply Specialty Company, of Asheville, stated that his company was second low bidder and felt Council should give consideration to local distributors. He pointed out that their bid was only $102.08 higher than the low bid and that their delivery date was for a shorter period of time than the low bidder. He said for these reasons, he was appealing to Council to consider awarding the contract to a local distributor.

After discussion, Councilman Morris moved to award the contract to the Supply Specialty Company, second low bidder, in the amount of $12,374.28, based on a shorter delivery time. This motion was seconded by Councilman Horton and carried unanimously.

Bid Summary - Fifty (50) Dry Top Traffic Model, Mechanical Joint Fire Hydrants

In answering Councilman Morris, Mr. Emrick stated that approving the maps would show the City's intent to regulate floodway areas and they could insist on such a prerogative.

Mr. Peter Mallette, Asheville-Highlands Distributors, Inc., said he opposed the federal government proposing such designated floodway areas and controlling the regulations. He said he felt the City should have this responsibility and they should also do something about cleaning and re-channelling the river to prevent flooding.

Mayor Wood requested that the City Manager check into the possibility of Mr. Mallette's suggestions.

Councilman Morris moved to approve the preliminary floodway map and to reserve the right for Council to amend the map if and when the re-channelling and improvements are made which would decrease the area within the designated floodway area. This motion was seconded by Councilman Hoyle and carried unanimously.

RESOLUTION NO. 75-90 - RESOLUTION TO PERMIT MUNICIPAL ABSENTEE BALLOTS

5. Consideration was given to a resolution to permit municipal absentee ballots.

The City Manager read the resolution.

Mayor Wood noted that the Corporation Counsel had reported on this matter at last weeks meeting and was instructed by Vice-Mayor Marshall to prepare the resolution for Council's consideration.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Ochsenreiter, Resolution No. 75-90 was unanimously adopted.

Complete text of Resolution No. 75-90 will be found in Resolution Book No. 8 at page 154.

RESOLUTION NO. 75-91 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH THE BOY'S CLUB OF ASHEVILLE, INC. AND THE STATE OF NORTH CAROLINA, DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES, DIVISION OF LAW AND ORDER

6. Consideration was given to a resolution authorizing the Mayor to sign a contract with the Boy's Club of Asheville, Inc. and the State of North Carolina, Department of Natural and Economic Resources, Division of Law and Order.

Ken Michalove, Assistant City Manager, reported that over a year ago Council agreed to co-sponsor this project and the grant application was submitted to the Department of LEAA, however the project did not receive the first year funding. He said the application was re-submitted about three months ago and was approved for funding for approximately $90,000. He said the City's share of the project would be approximately 5% for the next three years.

Upon motion of Councilman Horton, seconded by Councilman Morris, Resolution No. 75-91 was unanimously adopted.

Complete text of Resolution No. 75-91 will be found in Resolution Book No. 8 at page 155.

BIDS - 8, 10, AND 12 INCH POLYVINYL CHLORIDE (PVC) GRAVITY SEWER PIPE FOR THE DEPARTMENT OF WATER AND SEWER SERVICES

10. Consideration was given to bids received July 14, 1975 for 8, 10, and 12 inch Polyvinyl Chloride (PVC) Gravity Sewer Pipe for the Department of Water and Sewer Services.

The City Manager presented the bids by reading a memorandum from the Purchasing Agent which recommended acceptance of the low bid on all items submitted by Davis Meter and Supply Company.

Councilman Colton moved to accept the recommendation of the Purchasing Agent and award the contract to Davis Meter and Supply Company on all items. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

BID SUMMARY — CITY OF ASHEVILLE — BIDS OPENED: JULY 14, 1975 - 2:30 PM

BID REQUEST NO. 281 — SIX (6) [illegible] REQUIREMENTS OF 8, 10, and 12 in diameter POLYVINYL CHLORIDE (PVC) GRAVITY SEWER PIPE

	JOHNS-MANVILLE GREENVILLE, S.C.	B S H CAROLINA CHARLOTTE, N.C.	SILVERMAN COMPANY ASHEVILLE, N.C.	TIDEWATER SUPPLY CO. ASHEVILLE, N.C.	DAVIS METER & SUPPLY KNOXVILLE, TN	BAJOCA CORPORATION ASHEVILLE, N.C.
ITEM 1 - 1000 L FT. 8" Diameter	1.40/ft. $1,400.00	1.37/ft. $1,370.00	1.51/ft. $1,510.00	2.49/ft. $2,490.00	1.30/ft. ✓ $1,300.00	361.65 C FT. $1,634.80
ITEM 2 - 2500 L FT. 10" Diameter	2.19/ft. $5,475.00	2.30/ft. $5,750.00	2.31/ft. $5,775.00	4.11/ft. $10,275.00	2.15/ft. ✓ $5,375.00	272.95 C FT. $6,823.75
ITEM 3 - 4000 L FT. 12" Diameter	3.11/ft. $12,440.00	3.00/ft. $12,000.00	3.25/ft. $13,000.00	5.54/ft. $22,160.00	2.95/ft. ✓ $11,800.00	387.38 C FT. $15,495.20
TOTAL:	$19,315.00	$20,250.00	$20,285.00	$34,925.00	$18,475.00	$20,935.45
TERMS:	Net 30 Days	Net 30 Days	Net 30 Days	2% 10 Days - Net 30	Net 30 Days	Net 30 Days
DELIVERY:	10 Days	1 Week	Stock - 1 Week	As Required	As Required	Stock
BID DEPOSIT:	5% Certified Check	5% Bid Bond	5% Bid Bond	5% Bid Bond	5% Bid Bond	5% Certified Check

BIDS - VACUUM STREET SWEEPER CATCH BASIN FOR STREET DEPARTMENT

11. Consideration was given to bids received July 14, 1975 for one (1) Vacuum Street Sweeper Catch Basin for Street Department.

The City Manager presented the bids by reading a memorandum from the Purchasing Agent which recommended acceptance of the only bid submitted by North Carolina Equipment Company in the amount of $49,750.00.

	B & H CAROLINA CHARLOTTE, N.C.	BANTS METER & SUPPLY CO. KNOXVILLE, TN	SUPPLY SPECIALTY ASHEVILLE, N.C.	SILVERMAN COMPANY ASHEVILLE, N.C.	TIDEWATER SUPPLY COMPANY ASHEVILLE, N.C.	AMERICAN-DARLING VALVE & MANUFAC BIRMINGHAM, ALA.
[redacted] - 12 42" Bury 6" foot piece	$252.68 ea.	$250.00 ea.	$239.91 ea.	$240.05 ea.	$254.37 ea.	$237.90 ea.
ITEM 2 - 6 48" Bury 6" foot piece	$258.27 ea.	$259.26	$244.54 ea.	$245.36 ea.	$259.19 ea.	$242.40 ea.
ITEM 3 - 6 54" Bury 6" foot piece	$263.80 ea.	$264.07 ea.	$249.17 ea.	$250.61 ea.	$264.00 ea.	$246.90 ea.
ITEM 4 - 6 60" Bury 6" foot piece	$269.35 ea.	$268.89 ea.	$253.80 ea.	$255.89 ea.	$268.83 ea.	$251.40 ea.
ITEM 5 - 6 66" Bury 6" foot piece	$274.91 ea.	$273.73 ea.	$258.45 ea.	$261.17 ea.	$273.66 ea.	$255.90 ea.
ITEM 6 - 2 72" Bury 6" foot piece	$280.44 ea.	$278.54 ea.	$263.07 ea.	$266.42 ea.	$278.46 ea.	$260.40 ea.
ITEM 7 - 6 42" Bury 4" foot piece	$252.68 ea.	$249.71 ea.	$239.05 ea.	$240.05 ea.	$253.65 ea.	$237.50 ea.
ITEM 8 - 1 36" Bury 4" foot piece	$247.12 ea.	$248.71 ea.	$234.41 ea.	$234.77 ea.	$248.83 ea.	$237.00 ea.
ITEM 9 - 1 48" Bury 4" foot piece	$258.27 ea.	$258.53 ea.	$243.69 ea.	$245.36 ea.	$258.47 ea.	$242.00 ea.

[redacted]

ITEM 10 - 1 54" Bury 4" foot piece	$263.80 ea.	$263.35 ea.	$248.31 ea.	$250.61 ea.	$263.38 ea.	$246.50 ea.
ITEM 11 - 1 60" Bury 4" foot piece	$269.35 ea.	$267.90 ea.	$252.95 ea.	$255.89 ea.	$268.10 ea.	$251.00 ea.
ITEM 12 - 1 66" Bury 4" foot piece	$274.91 ea.	$273.01 ea.	$257.59 ea.	$261.17 ea.	$272.94 ea.	$255.50 ea.
ITEM 13 - 1 72" Bury 4" foot piece	$280.44 ea.	$277.82 ea.	$262.21 ea.	$266.42 ea.	$277.74 ea.	$260.00 ea.
TOTAL:	$13,100.99	$13,040.56	$12,374.28	$12,446.14	$13,114.70	$12,272.20
VALVE:	K-11 Kennedy Valve	Mueller A24012	Mueller A24012	K-11 Kennedy Valve	Mueller A24012	MX - 73 America Darling
TERMS:	2% 10th Prox. Net 30	Net 30 Days	Net 10 Days	Net 30 Days	Net 30 Days	Net 30 Days
[redacted]IVERY:	4 - 6 Weeks	4 - 6 Weeks	Stock to 6 weeks	4 Weeks	30 Days	50 - 60 Days
[redacted] DEPOSIT:	5% Bid Bond	5% Bid Bond	5% Cash ($20.00)	5% Bid Bond	5% Bid Bond	5% Bid Bond

RESOLUTION NO. 75-93 - RESOLUTION APPOINTING CITY OF ASHEVILLE MEMBERS TO THE ASHEVILLE-BUNCOMBE LOCAL GOVERNMENT STUDY COMMISSION

14. Consideration was given to a resolution appointing City of Asheville members to the Asheville-Buncombe Local Government Study Commission.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, Resolution No. 75-93 was unanimously adopted.

Mayor Wood said the Act establishing the Asheville-Buncombe Local Government Study Commission requires the City Clerk to certify to the Clerk of Superior Court that such resolution was adopted.

Complete text of Resolution No. 75-93 will be found in Resolution Book No. 8 at page 157.

REPORT ON DRUID DRIVE DRAINAGE PROBLEMS

15. Mr. Bill Edens, Director of Water and Sewer, reported on the petition received from residents of Druid Drive relative to drainage problems. He said, as previously reported, the pipe culvert behind the T and H Tire Company adjacent to Druid Drive is incapable of carrying flood waters and steps should be taken to remove this culvert. He also said that, in his opinion, the City street systems could receive damage from the periodic flooding resulting from the inadequate culvert. He said the aggradation of the stream bed between the upper Patton Avenue crossing and Louisiana Avenue has also decreased the flow capacity of the stream and would contribute to the flooding in the Druid Drive area.

After discussion, Councilman Morris requested that the Corporation Counsel investigate the matter and recommend to Council what kind of action should be taken. He also requested that the Street Superintendent investigate the matter and determine whether or not the City street systems had been damaged by the flooding.

GROUP DEVELOPMENT - CAR WASH FACILITY - MR. CHRISTOPHER CLEDARAS

The City Manager presented a letter from the Asheville Planning and Zoning Commission recommending approval of a site plan of a proposed car wash facility to be located on U. S. 70 at Oteen, prepared by Lyda Associates, Engineers, for Mr. Christopher Cledaras, Owner-Developer.

Councilman Colton moved to schedule a public hearing on the matter for August 7, 1975. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

CLAIM - S. R. KERLEY

The City Manager presented a claim received from S. R. Kerley relative to damage to white pine trees on his property.

Mayor Wood referred the claim to the Corporation Counsel for investigation and recommendation.

Councilman Morris questioned whether the Mobil Sweeper being traded in was still usable.

After discussion, Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the contract to North Carolina Equipment Company in the amount of $49,750.00 with instructions to the City Manager to check into the use of the present Mobil Sweeper in another division. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

BIDS - ONE (1) TRACTOR LOADER FOR THE PARKS AND RECREATION DEPARTMENT

12. Consideration was given to bids received for one (1) tractor loader for the Parks and Recreation Department.

The City Manager presented the bids by reading a memorandum from the Purchasing Agent which recommended acceptance of the low bid submitted by Arden Equipment Company in the amount of $9,795.17.

Vice-Mayor Marshall questioned whether or not the attachments on the present loader would be interchangeable with the new equipment.

After discussion, Councilman Colton moved to accept the recommendation of the Purchasing Agent and award the contract to Arden Equipment Company in the amount of $9,795.17. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Bid Summary - One (1) Tractor-Loader for Park and Recreation Department

Bidder	Bid
Farm Equipment Company	$9,987.00
Bruce Construction & Machinery Co.	10,848.79
Arden Equipment Company	9,795.17

REPORT ON FEDERAL 312 LOAN PROGRAM

13. Ken Michalove, Assistant City Manager, reported that as of July 1, 1975 the Housing Authority had ceased taking applications for the Federal 312 Loan Program. He said as of that date 350 applications had been received from people in the Community Development Area. He said five (5) inspectors from the Housing Division had been placed full time on this project along with three (3) full time people from the Housing Authority. He said to date they have placed approximately 20 loans, which amounted to approximately $150,000 in rehabilitation loans. He said all these were processed in about 15 days.

Mr. Michalove recognized and commended, individually, all the people working on the project for a successful effort thus far.

Mayor Wood also commended all the people involved and said it was his understanding that Asheville was the only City in the State who was undertaking such a program. He said there had been indications that the program would be extended beyond the August 21, 1975 deadline.

Thursday - July 24, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Councilmen Ralph D. Morris, Jr., Bill B. Horton, Eugene C. Ochsenreiter, Jr., Henry E. Colton, J. W. Hoyle, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Calvin W. Marshall

1. Approval of the minutes of July 17, 1975 meeting

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, the minutes of the July 17, 1975 meeting were approved as submitted.

ORDINANCE NO. 851 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Mrs. Neva A. Hancock on Broad Street)

2. Consideration was given to the third and final reading of Ordinance No. 851, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Property of Mrs. Neva Hancock on Broad Street).

Mayor Wood advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0. Ordinance No. 851, as amended, passed on its third and final reading.

Complete text of Ordinance No. 851 will be found in Ordinance Book No. 6 at page 304.

ORDINANCE NO. 852 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Wording changes)

3. Consideration was given to the third and final reading of Ordinance No. 852, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Wording changes).

Mayor Wood advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 5-0, Ordinance No. 852 passed on its third and final reading.

Complete text of Ordinance No. 852 will be found in Ordinance Book No. 6 at page 305

CLAIM - GREGORY PAUL LaVOY

The City Manager presented a claim received from Gregory Paul LaVoy, by Attorney Robert B. Long, Jr., relative to damage to his motorcycle from an unmarked hole in the pavement on McDowell Street.

Mayor Wood referred the claim to the Corporation Counsel for investigation and recommendation.

PETITION - INSPECTORS IN HOUSING DIVISION - MILEAGE INCREASE

The City Manager presented and read a petition received from the employees of the Inspection Division requesting that consideration be given to increasing their mileage allowance from 12¢ per mile to 20¢ per mile.

Mayor Wood instructed the City Manager to review mileage allowances paid by private industries and other governmental units and report his findings back to Council.

Adjournment.

Richard A. Wood, Jr.
MAYOR

Norman S. Malcarney
CITY CLERK

Bid Summary - One (1) Cab and Chassis with 12' Hydraulic Platform Body to be used in Inspections and Demolitions Division

Bidder	Bid
Dorato Motors, Inc.	$7,309.09
Matthews Motors, Inc.	6,487.16
Asheville International Truck Sales, Inc.	6,543.18

BIDS - TWO (2) REFUSE TRUCKS, REAR END LOADERS COMPLETE WITH CAB AND CHASSIS WITH ENCLOSED HYDRAULIC PACKER TYPE BODIES FOR SANITATION DEPARTMENT

6. Consideration was given to bids received July 14, 1975 for two (2) refuse trucks rear-end loaders complete with cab and chassis with enclosed hydraulic packer type bodies for Sanitation Department.

The City Manager presented the bids and read a memorandum from the Purchasing Agent which recommended acceptance of the low bid submitted for Alternate #2 (gasoline engine, 20 yd. body) by Asheville International Truck Sales, Inc. in the amount of $25,182.43; also the acceptance of the low bid submitted for Alternate #3 (Diesel Engine, 25 yd. capacity) by Sanco Corporation in the amount of $28,161.00.

Mr. S. L. McHone, Superintendent of Sanitation, explained that this equipment would be used in connection with the Community Development Program in the removal of refrigerators, stoves, etc. from the Community Development area.

Councilman Ochsenreiter moved to accept the recommendation of the Purchasing Agent and award the bids: Asheville International Truck Sales, Inc. in the amount of $25,182.43 and to Sanco Corporation in the amount of $28,161.00. This motion was seconded by Councilman Horton and carried unanimously.

BID SUMMARY — CITY OF ASHEVILLE — BIDS OPENED: MONDAY, JULY 14, 1975 - 2:30 P.M.

BID SUMMARY NO. 777 — TWO (2) REFUSE TRUCKS, REAR END LOADERS COMPLETE WITH CAB AND CHASSIS AND HYDRAULIC BODIES, 20-25 CUBIC YARD CAPACITY FOR SANITATION DEPARTMENT

	QUALITY EQUIP. & SUPPLY CO. CHARLOTTE, NC	ASHEVILLE INTERNATIONAL TRUCK SALES ASHEVILLE, NC	MATTHEWS MOTORS, INC. ASHEVILLE, NC	CAROLINA TRUCK & BODY COMPANY ASHEVILLE, NC	CRAIG BODY CO. CHARLOTTE, NC	SANCO CORPORATION WINSTON-SALEM, NC	MACK-RUSSELL, INC. CHICOPEE, MC
ITEM 1 - BASE BID: 2 REFUSE TRUCKS, 33,800 lbs. GROSS VEHICLE WEIGHT, TILT CAB & CHASSIS COMPLETE WITH ENCLOSED HYDRAULIC PACKER TYPE BODIES 20 CU. YD. CAPACITY PER SPECIFI. (GASOLINE ENGINE, 20 yd. BODIES)	NO BID	$30,364.86 CHASSIS: INTERNATIONAL CO-1910B CARGOSTAR PACKER BODY: HEIL MARK V BODY (20 cu. yd.)	$41,200.52 CHASSIS: FORD C 8000 PACKER BODY: HEIL MARK V (20 cu. yd.)	NO BID	$33,799.00 CHASSIS: FORD C 900 PACKER BODY: LP - 920 GARWOOD PACKER (20 cu. yd.)	$34,856.00 CHASSIS: FORD C 900 PACKER BODY: DUMPSTER ROUTE KING (20 cu. yd.)	$30,990.00 CHASSIS: INTERNATIONAL CO-1910 B CARGOSTAR PACKER BODY: 2-R LEACH PACKMASTER (20 cu. yd.)
ITEM 2 - ALTERNATE: 1 REFUSE TRUCK SAME AS ITEM 1 EXCEPT QUANTITY IS FOR 1 UNIT ONLY (GASOLINE ENGINE, 20 YD. BODY)	$39,000.00 CHASSIS: GMC HV 77513 PACKER BODY: HEIL MARK V (20 cu. yd.)	$25,182.43 ✓ CHASSIS: INT'L CO-1910 B PACKER BODY: HEIL MARK V (20 cu. yd.)	$30,604.36 CHASSIS: FORD C8000 PACKER BODY: HEIL MARK V (20 cu. yd.)	NO BID	$26,899.50 CHASSIS: FORD C 900 PACKER BODY: GARWOOD PACKER (20 cu. yd.)	$27,428.00 CHASSIS: FORD C 900 PACKER BODY: DUMPSTER ROUTE KING (20 cu. yd.)	$25,450.00 CHASSIS: INT'L CO-1910 B PACKER BODY: 2-R LEACH PACKMASTER (20 cu. yd.)
ITEM 3 - ALTERNATE: 1 REFUSE TRUCK 48,000 lbs. GROSS VEHICLE WEIGHT TILT CAB & CHASSIS, COMPLETE WITH A MINIMUM 25 CU. YD. HYDRAULIC PACKER TYPE BODY (DIESEL ENGINE, 25 YD. CAPA-	$35,500.00 CHASSIS: GMC HV 77513 DIESEL PACKER BODY: HEIL MARK V (25 cu. yd.)	$33,439.10 CHASSIS: INT'L COF-1950 CARGOSTAR, DIESEL PACKER BODY: HEIL MARK V (25 cu. yd.)	$36,481.89 CHASSIS: FORD CT 8000 DIESEL PACKER BODY: HEIL MARK V (25 cu. yd.)	$35,620.90 CHASSIS: GMC MODEL HV 77513 DIESEL PACKER BODY: LP 925 GARWOOD PACKER (25 cu. yd.)	$35,685.00 CHASSIS: FORD CT 8000 DIESEL PACKER BODY: LP 925 GARWOOD PACKER (25 cu. yd.)	$28,161.00 ✓ CHASSIS: FORD CT 8000 DIESEL PACKER BODY: DUMPSTER ROUTE KING (25 cu. yd.)	$33,500.00 CHASSIS: INT'L COF 1950 CARGOSTAR DIESEL PACKER BODY: 2-R LEACH PACKMASTER (25 cu. yd.)

SPRUCE HILL APARTMENT COMPLEX - REPORT

At the request of Mayor Wood relative to several inquiries, Mr. J. E. Johnson, Chief Building Inspector, gave a report on the status of the Spruce Hill Apartment Complex, under construction in the Haw Creek Area. He said the development was being constructed under conditions of an approved site plan subject to requirements of the old zoning ordinance. He said the development was not subject to the Sedimentation Control Ordinance, however, there had been a controversy relative to dirt and dust in the area but that matter had been abated.

Mayor Wood excused himself from the meeting at 3:05 o'clock p. m. and asked Councilman Morris to preside over the meeting.

BIDS - ONE (1) TRACTOR-LOADER WITH ROTARY CUTTER FOR THE INSPECTION AND DEMOLITION DIVISION

4. Consideration was given to bids received July 7, 1975 for one (1) tractor-loader with rotary cutter for the Inspection and Demolition Division.

The City Manager presented the bids and read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Farm Equipment Company in the amount of $11,499.00.

Mr. Ken Michalove, Assistant City Manager, explained that this equipment was being purchased for the Community Development Program and would be used by the Lot Restoration Crew in the Inspection and Demolition Division.

Councilman Ochsenreiter moved to accept the recommendation of the Purchasing Agent and award the contract to Farm Equipment Company in the amount of $11,499.00. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary - One (1) Tractor-Loader with Rotary Cutter for Inspections and Demolitions Division

Bidder	Bid
Farm Equipment Company	$11,499.00
Bruce Construction & Machinery Company	14,018.49

BIDS - ONE (1) CAB AND CHASSIS WITH 12' HYDRAULIC PLATFORM BODY TO BE USED IN INSPECTION AND DEMOLITION DIVISION

5. Consideration was given to bids received July 7, 1975 for one (1) cab and chassis with 12' Hydraulic platform body to be used in Inspection and Demolition Division.

The City Manager presented the bids and read a memorandum from the Purchasing Agent which recommended acceptance of the low bid submitted by Matthews Motors, Inc. in the amount of $6,487.16. He said this equipment would also be used in connection with the Community Development Program.

Councilman Colton moved to accept the recommendation of the Purchasing Agent and award the contract to Matthews Motors, Inc. in the amount of $6,487.16. This motion was seconded by Councilman Horton and carried unanimously.

The City Manager presented the bids and read a memorandum from the Purchasing Agent which recommended acceptance of the low bid submitted by Matthews Motors, Inc. in the amount of $3,328.53.

Councilman Colton moved to accept the recommendation of the Purchasing Agent and award the contract to Matthews Motors, Inc. in the amount of $3,328.53. This motion was seconded by Councilman Morris and carried unanimously.

Bid Summary - One (1) Four Door Sedan for Street Department

Bidder	Bid
Ed Orr Motors, Inc.	$3,549.92
Apple Tree Chevrolet	3,473.23
Matthews Motors, Inc.	3,328.53

ORDINANCE NO. 853 - AN ORDINANCE AUTHORIZING THE TRANSFER OF THE THOMAS WOLFE MEMORIAL FUND TO THE STATE OF NORTH CAROLINA

9. Consideration was given to an ordinance authorizing the transfer of the Thomas Wolfe Memorial Fund to the State of North Carolina.

The City Manager read the ordinance and explained that this fund represents donations that were made by those interested in the Thomas Wolfe Home; proceeds from the sale of books that were placed in the home by members of the Thomas Wolfe family; and includes money that was willed to the Thomas Wolfe Fund. He said this ordinance would provide for the proper transfer of these funds to the State of North Carolina. He said the fund amounts to approximately $11,000 and it was the understanding with the State that these funds would be released to them when they took over the title to the property.

Councilman Horton moved for the adoption of the ordinance. This motion was seconded by Councilman Ochsenreiter.

On a roll call vote of 5-0, Ordinance No. 853 passed on its first reading.

Councilman Morris moved to suspend the rules and proceed to the second reading of the ordinance. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 853 passed on its second reading.

Councilman Morris again moved to suspend the rules and proceed to the third and final reading of the ordinance. This motion was seconded by Councilman Hoyle and carried unanimously.

On a roll call vote of 5-0, Ordinance No. 853 passed on its third and final reading.

Complete text of Ordinance No. 853 will be found in Ordinance Book No. 6 at Page 308 .

	QUALITY EQUIPMENT & SUPPLY CO.	ASHEVILLE INTER. TRUCK SALES	SOUTHERN TRUCKS, INC.	CAROLINA TRUCK & BODY CO.	COOK BODY CO.	DAVID CORPORATION	BEACH-RUSSELL, INC.
	ASHEVILLE, NC	ASHEVILLE, NC	ASHEVILLE, NC	ASHEVILLE, NC	CHARLOTTE, NC	WINSTON-SALEM, NC	CONCORD, NC
[illegible] (a): [illegible] ITEM 2, [illegible] DIESEL ONLY WITH A MINIMUM OF 630 cu. in. DISPLACEMENT. TRANSMISSION: ALLISON M.T. 820, 5 SPEED	NO BID	$35,944.62 CHASSIS: INT'L CAB AND CHASSIS, MODEL CO-1950 B CARGO-STAR - DIESEL PACKER BODY: HEIL MARK V (20 cu. yd.)	NO BID	NO BID	$30,280.00 CHASSIS: FORD C 8000 PACKER BODY: LP 920 GARWOOD PACKER (20 cu. yd.)	NO BID	$36,800.00 CHASSIS: INT'L CO - 1950 B CARGOSTAR, DIESEL PACKER BODY: 2-R LEACH PACEMASTER BODY (20 cu. yd.)
ALTERNATE ITEM 2 (a): SAME AS ITEM 2 except: ENGINE: DIESEL ONLY WITH A MINIMUM OF 630 cu. in. DISPLACEMENT. TRANSMISSION: ALLISON M.T. 820, 5 SPEED	NO BID	$27,972.31 CHASSIS: INTERNATIONAL COF-1950 B CARGOSTAR DIESEL PACKER BODY: HEIL MARK V (20 cu. yd.)	NO BID	NO BID	$29,594.50 CHASSIS: FORD C 8000 PACKER BODY: LP 920 GARWOOD PACKER (20 cu. yd.)	NO BID	$28,400.00 CHASSIS: INTERNATIONAL CO-1950 B CARGOSTAR, DIESEL PACKER BODY: 2-R LEACH PACEMASTER BODY (20 cu. yd.)
DELIVERY:	APPROX. 60 DAYS	DECEMBER, 1975 or JANUARY, 1976	EIGHT TO NINE MONTHS	30 DAYS	ITEM 1: 60 - 90 DAYS 2: 60 - 90 DAYS 3: 9 - 12 MOS. 1-A: 4 - 5 MOS. 2-A: 4 - 5 MOS.	ITEM 1: 45-60 DAYS 2: 45-60 DAYS 3: In Stock in Winston-Salem, NC 5-10 DAYS	ITEM 1: OCT. 1975 (APPROX 2: OCT. 1975 (APPROX 3: NOV. 1975 (APPROX 1- A: NOV. 1975 (APPROX 2- A: NOV. 1975 (APPROX
TERMS:	NET 30 DAYS	NET UPON DELIVERY	NET 10 DAYS	NET 30 DAYS	1% 10 DAYS, NET 30	NET UPON REC. of INV.	NET 30 DAYS
BID BONDS:	5% BID BOND	5% BID BOND	5% CERTIFIED CHECK	5% BID BOND	5% BID BOND	5% BID BOND	5% BID BOND

BIDS - ONE (1) VAN-TYPE TRUCK FOR WATER AND SEWER DEPARTMENT

7. Consideration was given to bids received July 21, 1975 for one (1) van-type truck for Water and Sewer Department.

The City Manager presented the bids and read a memorandum from the Purchasing Agent which recommended acceptance of the low bid submitted by Apple Tree Chevrolet, Inc. in the amount of $4,151.42.

Mayor Wood returned to the meeting at 3:18 o'clock p. m.

Councilman Hoyle moved to accept the recommendation of the Purchasing Agent and award the contract to Apple Tree Chevrolet in the amount of $4,151.42. This motion was seconded by Councilman Colton and carried unanimously.

Bid Summary One (1) Van Type Truck for the Office of the City Engineer

Bidder	Bid
Apple Tree Chevrolet	$4,151.42
Dorato Motors	4,681.81
Matthews Motors, Inc.	4,280.77

BIDS - ONE (1) FOUR-DOOR SEDAN FOR STREET DEPARTMENT

8. Consideration was given to bids received July 22, 1975 for one (1) four door sedan for the Street Department.

Mr. J. E. Johnson, Chief Building Inspector, said he had inspected the monument recently and concurred with the architect that repairs needed to be made to the monument. He said in his opinion the monument would have to be repaired or removed.

Mayor Wood instructed the City Manager to prepare the necessary documents for Council's consideration at next weeks meeting relative to the restoration of the Vance Monument.

RESOLUTION NO. 75-96 - RESOLUTION AUTHORIZING THE MAYOR TO OPTION LAND ADJACENT TO ASTON PARK

Consideration was given to a resolution authorizing the Mayor to option land adjacent to Aston Park.

The City Manager read the resolution.

Mr. Michalove, Assistant City Manager, explained that this property was being purchased in connection with the Community Development Program as it relates to Aston Park. He said the property would be purchased under the federal regulations for such acquisition. He said the terms of the option was that the purchase price would be $40,000; $500 deposit; two appraisals; 30 days within to complete the appraisal and another 60 days to complete the transaction on the property. He said the option could be cancelled if the appraisal was for more than $40,000 and the $500 deposit would be returned.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, Resolution No. 75-96 was unanimously adopted.

Complete text of Resolution No. 75-96 will be found in Resolution Book No. 8 at page 161 .

RESOLUTION NO. 75-97 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A SUPPLEMENTAL MUNICIPAL AGREEMENT WITH NORTH CAROLINA BOARD OF TRANSPORTATION RELATIVE TO CONSTRUCTION OF U. S. 70-74 CONNECTOR IN ASHEVILLE FROM SOUTH OF U. S. 70 TO I-40 AND U. S. 74 INTERCHANGE

Consideration was given to a resolution authorizing the Mayor to enter into a supplemental municipal agreement with North Carolina Board of Transportation relative to construction of U. S. 70-74 connector in Asheville from south of U. S. 70 to I-40 and U. S. 74 Interchange.

The City Manager read the resolution and explained that the amendments related only to the re-numbering of projects by the State.

Upon motion of Councilman Colton, seconded by Councilman Morris, Resolution No. 75-97 was unanimously adopted.

Complete text of Resolution No. 75-97 will be found in Resolution Book No. 8 at page 162 .

COMPLAINT - MRS. EDITH HODGE - CIVIC CENTER - ELVIS PRESLEY SHOW

Mrs. Edith Hodge of 141 Swannanoa Avenue told Council that she and many other people seated on the floor of the Asheville Civic Center's arena during the Elvis Presley concert were unable to see the stage due to the people seated in front of them. She suggested that the stage be raised about 5' allowing everyone to see.

Mayor Wood noted that there has been public interest in establishing a monument to Wolfe in honor of his 75th birthday this October. He said several suggestions had been made, however, favorable response from people he had talked with, had been given to naming the renovated City Auditorium the Thomas Wolfe Hall. He invited comments from the public on how the City could recognize Mr. Wolfe's 75th birthday.

RESOLUTION NO. 75-94 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE AN AGREEMENT WITH BRUCE ALAN SMITH AND BETTY C. SMITH FOR THE EXTENSION OF A PUBLIC SEWER IN CISCO ROAD

10. Consideration was given to a resolution authorizing the Mayor to sign on behalf of the City of Asheville an agreement with Bruce Alan Smith and Betty C. Smith for the extension of a public sewer in Cisco Road.

The City Manager read the resolution.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Colton, Resolution No. 75-94 was unanimously adopted.

Complete text of Resolution No. 75-94 will be found in Resolution Book No. 8 at page 159.

RESOLUTION NO. 75-95 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CAROLINA POWER AND LIGHT COMPANY REGARDING UNDERGROUND WIRING

11. Consideration was given to a resolution authorizing the City Manager to enter into an agreement with Carolina Power and Light Company regarding underground wiring.

The City Manager read the resolution.

Mr. William F. Wolcott, Assistant City Manager, noted that this work would be done block by block rather than tearing up all of the downtown streets at one time.

Upon motion of Councilman Morris, seconded by Councilman Colton, Resolution No. 75-95 was unanimously adopted.

Complete text of Resolution No. 75-95 will be found in Resolution Book No. 8 at page 160.

VANCE MONUMENT - REPAIRS AND RESTORATION

The City Manager said that after several complaints relative to the condition of the Vance Monument on Pack Square he requested Mr. John Cort of Baber, Cort and Wood, architects to inspect the monument. He then read a letter from Mr. Cort which stated that quotations had been received from two companies for the cleaning and restoration of the Vance Monument. A bid of $3,700.00 was submitted by Skyland Waterproofing Company and a low bid of $3,500.00 was submitted by Brisk Waterproofing Company, the contractor presently engaged in the cleaning of the City Hall Building. In the letter Mr. Cort outlined the scope of the work to be done to the monument, and recommended that the low bid of Brisk Waterproofing Company in the amount of $3,500.00 be accepted.

The City Manager said that if it was Council's wish to proceed with the work, funds could be obtained from the Revenue Sharing Trust Fund.

Thursday - July 31, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Bill B. Horton, Eugene C. Ochsenreiter, Jr., Henry E. Colton, J. W. Hoyle, Acting Corporation Counsel Jones P. Byrd, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Corporation Counsel William C. Moore and Councilman Ralph D. Morris, Jr.

1. Approval of minutes of July 24, 1975 meeting.

Upon motion of Councilman Horton, seconded by Councilman Colton the minutes of the July 24, 1975 meeting were approved as submitted.

PUBLIC HEARING - REZONING PORTION OF LOT 1, SHEET 48, LOWER HOMINY TOWNSHIP (BREVARD ROAD AND INTERSTATE 40) - WESTERN NORTH CAROLINA FARMERS MARKET

ORDINANCE NO. 854 - AN ORDINANCE AMENDING ORDINANCE NO. 322 KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE, AS AMENDED

2. A public hearing was held relative to rezoning portion of Lot 1, Sheet 48, Lower Hominy Township (Brevard Road and Interstate 40) from R-1 Residential District to Light Industrial for the development of the proposed Western North Carolina Farmers Market.

Mayor Wood opened the public hearing at 3:01 o'clock p. m.

The City Manager read the advertised notice to the public and affidavit of publication setting the time and date for the public hearing.

Verl Emrick, Director of Planning, reported that the Planning and Zoning Commission had recommended approval of the rezoning for the following reasons:

1. The land is well suited for development of this type;

2. Access to the property is adequate by way of Interstate 40 and Brevard Road;

3. Property directly across Brevard Road is presently zoned Light Industrial; therefore, incompatible zoning would not be introduced to the area;

4. The development trend for the Brevard Road area between I-40 and I-26 is expected to become more commercially oriented in the near future. The construction and operation of the WNC Farmers Market will surely encourage and hasten this type of development within the area; and

5. In the staff's opinion, the rezoning is within the scope of sound planning and zoning practices and an amendment would be justified.

He also presented and read a letter from James A. Graham, Commissioner for the North Carolina Department of Agriculture, which endorsed approval of the rezoning request.

After discussion, Mayor Wood instructed the City Manager to consult with Mr. Jim Evans, Civic Center Manager, on the feasibility of raising the stage.

"HAIR" - ROCK MUSICAL PRODUCTION - COUNCILMAN HORTON

Councilman Horton asked if any correspondence had been received from the producer of the rock musical production "Hair" which is to perform at the Asheville Civic Center on July 29, 1975.

Corporation Counsel William C. Moore read the following telegram received July 24, 1975 from Joe Almand

> "We will comply with City Officials demands of no nudity on stage. It is to late to reroute to another auditorium. It is hope that same City Officials the ludicrousness of this situation and permit the full Broadway production."

Mr. Moore said that as a result of this telegram he was sending Chief J. C. Hall a copy of North Carolina General Statute 14.190.0 which relates to Indecent Exposure. He said as Chief of Police he expects him to see that the statutes will be complied with during this performance.

Councilman Horton then read the following prepared statement:

> "I am pleased to see the culmination of this situation in a documented agreement from the producers of "Hair" to delete full nudity, as has just been explained to Council.
>
> This gratifying prospect leads me to express publicly my personal appreciation to: Our City Manager- Mr. Ernest Ward; the City Attorney- Mr. Bill Moore; and Manager of the Civic Center - Mr. James Evans .... both individually and collectively... for their courage and integrity in insisting that the touring company in question comform to the standards of decency and propriety subscribed to by our community as a whole.
>
> These three gentlemen have - by their commendable actions - upheld and supported the clearly established posture of our community, which opposes and rejects obscenity and offensive displays in any shape or form.
>
> Thank you, Gentlemen, for your positive reaction in this situation. My expectation is that further commendations on this score will be forthcoming from the people themselves."

Mayor Wood pointed out that the statute makes it a misdeameanor for the owner of any building to permit indecent exposure in that particular building. He said he would expect the Chief of Police to see that the statute is complied with, as such is a legislating act.

Adjournment.

Richard D. Wood, Jr.
MAYOR

William F. Moore, Jr.
CITY CLERK

WESTERN NORTH CAROLINA DEVELOPMENT ASSOCIATION, INC.

420 CITY BUILDING PHONE (704) 252-4783
ASHEVILLE, NORTH CAROLINA 28801

July 30, 1975

The Honorable Richard A. Wood
Mayor, City of Asheville
City Building
Asheville, North Carolina 28801

Dear Mayor Wood:

The Western North Carolina Development Association, acting for and on behalf of the North Carolina Department of Agriculture and the State of North Carolina, respectfully requests that Asheville City Council approve the rezoning of the property bounded by Highway 191 and Interstate 40 to Light Industrial Classification.

The North Carolina Department of Agriculture plans to construct and operate a regional farmers market at this site.

This State-owned market facility will be a great asset to this entire community and area, both from an economic standpoint to producers and as a service to consumers.

We know this will be a facility of which we can all be proud. We urge early approval of the rezoning.

Sincerely,

S. E. Golson
President

SEG/pb

Mr. Patrick said the original R-1 Residential District was established for this area in a "holding capacity" until the Planning and Zoning Commission could determine the development trend for this particular area. He said there had been no opposition voiced at the Planning and Zoning Commission meeting.

Mr. Morris McGough, of the Western North Carolina Development Association, Inc. said that his office had petitioned for the rezoning on behalf of the North Carolina State Department of Agriculture. He then presented a letter from S. E. Golson, President of the Western North Carolina Development Association, Inc., supporting the approval of the rezoning.

Mr. McGough said that the North Carolina Department of Agriculture plans to construct and operate a regional farmers market at this site. He said the State-owned market facility would be a great asset to the entire community and area, both from a economic standpoint to producers and as a service to consumers. He urged approval of the rezoning and finalization as expeditious as possible. He said the State could not progress any further on the project until the property was rezoned.

Mr. McGough answered general questions relative to cost, capacity, etc. for the new market.

Mayor Wood instructed that the letters from James A. Graham and S. E. Golson be made a part of the minutes.

The letters are as follows:

JAMES A. GRAHAM
COMMISSIONER

State of North Carolina
Department of Agriculture
Raleigh

July 23, 1975

Mayor Richard A. Wood
Asheville, North Carolina

Dear Dick:

Re: Rezoning Request - The Biltmore Company and
Western North Carolina Development Association

I regret very much that I will be unable to attend the public hearing on Thursday, July 31 concerning the rezoning of the Farmers Market site in Asheville.

I do sincerely request that the City Council approve the rezoning of the property to Light Industrial Classification so that the NCDA can erect a farmers market and operate it in the best interest of the people of western North Carolina.

With all good wishes.

Cordially,

James A. Graham
Commissioner

Further, it is recommended that the City take the necessary steps to upgrade Ridgelawn Road and Garden Circle so that the necessary street widths can be provided to adequately give access to Haywood Road for bus traffic. Sidewalks should also be constructed to provide a higher degree of safety for those children walking to school.

Mr. Emrick presented a letter, addressed to the Mayor, from W. P. Griffin, of the Asheville City Board of Education, which concurred with the recommended conditions set forth, by the Planning and Zoning Commission, for the approval of the proposed site plan. In addition, the Asheville City Board of Education requested that the City consider extending the sidewalk on Wellington Street to State Street stating that this request would be a safety precaution for the number of students walking to and from school.

Mr. Emrick reviewed the proposed site plan for members of Council.

In discussing the recommended condition relative to supplying adequate water for fire protection, Mr. Edens, Water and Sewer Director, said that it would cost approximately $45,000 to close the existing gap between the two 8" lines, which would be for a distance of about 2,800'. He said the existing 6" lines would probably be adequate to supply the water for fire protection if the 6" lines were new. However, the lines are not new and he would not recommend using a 6" line for over 640' which would be dead end.

The City Manager also pointed out that the recommended upgrading of Ridgelawn Road and Garden Circle would cost approximately $8,000, which did not include curb and guttering nor the construction of a sidewalk on Ridgelawn and Garden Circle.

The City Manager said money for these projects were not appropriated for in this years budget.

After discussion, it was the consensus of Council that the City should not have to bear the full expense of extending the two eight-inch lines to provide adequate water supply nor the full expense of upgrading Ridgelawn Road and Garden Circle or providing larger sidewalks for the school. They felt that if these projects were necessary for the operation of the school, the School Board should share the costs.

Councilman Colton suggested that Council postpone approving the site plan for one week allowing the Water and Sewer Director to test the flow of the water in the existing water lines to see whether they are adequate for fire protection and to also negotiate the costs of upgrading the streets in the area with the Asheville City Board of Education.

Mayor Wood closed the public hearing at 3:50 o'clock p. m.

Mayor Wood asked if any member of Council wish to offer a motion for the approval or disapproval of the proposed site plan.

Not receiving a motion, Mayor Wood advised that Council would schedule the matter for further consideration at next weeks meeting.

BIDS - BEAVERDAM PUMP STATION

4. Consideration was given to bids received July 18, 1975 for construction of the Beaverdam Pump Station.

The City Manager read a letter from Mr. William Edens, Water and Sewer Director, advising that the bids were as follows:

Mayor Wood closed the public hearing at 3:13 o'clock p. m. and instructed the City Manager to read the prepared ordinance, which would rezone the property as petitioned.

Councilman Colton moved for the adoption of the ordinance. This motion was seconded by Councilman Hoyle.

On a roll call vote of 5-0, Ordinance No. 854 passed on its first reading.

Councilman Ochsenreiter moved to suspend the rules and proceed to the second and third reading of the ordinance. This motion was seconded by Councilman Hoyle.

Councilman Colton offered an amendment to Councilman Ochsenreiter's motion that Council pass on the second reading at this meeting and postpone the third reading until next week's meeting. He said in his opinion rezoning is the touchiest thing Council deals with and he felt the citizens should be given an opportunity to be advised of the rezoning and to be given the opportunity to express their opinion if they wish to do so. He said holding three readings on a rezoning ordinance on one particular day would be setting a bad precedent.

Councilmen Ochsenreiter and Hoyle accepted Councilman Colton's amendment to the motion and it carried unanimously.

On a roll call vote of 5-0, Ordinance No. 854 passed on its second reading.

The third reading of Ordinance No. 854 was scheduled for the August 7, 1975 meeting.

PUBLIC HEARING - SITE PLAN FOR PROPOSED HALL FLETCHER MIDDLE SCHOOL

3. A public hearing was held to consider approval of the site plan of the proposed Hall Fletcher Middle School.

Mayor Wood opened the public hearing at 3:18 o'clock p. m.

The City Manager read the advertised notice to the public and affidavit of publication setting the time and date for the public hearing.

Verl Emrick, Director of Planning, reported that the Planning and Zoning Commission recommended approval of the site plan subject to the following conditions:

1. That adequate parking facilities be provided for both automobile and bus traffic; and

2. That the required environmental statement be submitted before final review; and

3. Steps should be taken to supply an adequate water supply to the site for fire protection. At present there are only two six inch lines which serve the site. Therefore, it is recommended that the City extend the two 8" lines in the area to the site before the building is occupied. (These 8" lines are located on Haywood Road and State Street).

Upon motion of Vice-Mayor Marshall, seconded by Councilman Ochsenreiter, Resolution No. 75-99 was unanimously adopted.

Complete text of Resolution No. 75-99 will be found in Resolution Book No. 8 at page 164.

APPLICATION FOR CARNIVAL PERMIT FOR CHILDRESS SHOWS

The City Manager presented an application for a municipal carnival permit from Childress Shows to hold a carnival on Amboy Road from August 21 through August 30, 1975. He said the application was in order with respect to fees set forth in the Revenue Ordinance for licenses and cleaning fees.

Councilman Colton moved to approve the application for a carnival permit for Childress Shows for August 21 through August 30, 1975. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

RESOLUTION NO. 75-100 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY ENCROACHMENT AGREEMENT WITH THE SOUTHERN RAILWAY COMPANY CONCERNING A 12-INCH WATER LINE IN SKYLAND, NORTH CAROLINA

Consideration was given to a resolution authorizing the Mayor to execute a right of way encroachment agreement with the Southern Railway Company concerning a 12-inch water line in Skyland, North Carolina.

The City Manager read the resolution and explained that this encroachment was necessary for the installation of the water line to serve the new Clark Equipment Company.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, Resolution No. 75-100 was unanimously adopted.

Complete text of Resolution No. 75-100 will be found in Resolution Book No. 8 at page 165.

PETITION - REQUESTING PATHWAY AT McCORMICK FIELD BE MADE PASSABLE

The City Manager presented the following petition:

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

PETITION

TO THE ASHEVILLE CITY COUNCIL AND DIRECTOR OF PARKS AND RECREATION OF THE CITY OF ASHEVILLE:

The undersigned residents of the City of Asheville hereby respectfully request that the generally used pathway on the north and northwest side of the McCormick Field fence used as an access to Valley Street and Biltmore Avenue be made passable. The pathway at present is in an almost impassable condition due to heavy rains and lack of maintenance. Since the Carroll Avenue bridge has been knocked out the residents of Hunt Hill Place and Edgehill Avenue must, without the use of this pathway, travel Edgehill Avenue, Sorrell Street and South Beaumont Street to get to Valley Street.

Huntley Construction Company	$32,857.00
Cooper Construction Company	39,000.00
Innoviated Construction Company	49,571.00

Mr. Edens said this project provided for a new building and two (2) new pumps with provisions being made for an additional pump in the future. He recommended acceptance of the low bid.

Councilman Colton moved to accept the low bid of Huntley Construction Company in the amount of $32,857.00. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

ORDINANCE NO. _____ - AN ORDINANCE AMENDING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1975-76 (Repairs to Vance Monument)

5. Consideration was given to an ordinance amending the operating budget of the City of Asheville for the fiscal year 1975-76. (Repairs to Vance Monument)

The City Manager read the ordinance and advised that this ordinance was prepared, by direction of Council, to provide funds for repairs and restoration of the Vance Monument. He said Mr. John Cort, of Baber, Cort and Wood, Architects, solicited for bids for this project and Brisk Waterproofing Company submitted the low bid of $3,500.00.

After discussion, Councilman Ochsenreiter moved that the bids for repairs and restoration of the Vance Monument be submitted to formal public bidding allowing local businesses an opportunity to bid on the project. This motion was seconded by Councilman Hoyle and carried unanimously.

RESOLUTION NO. 75-98 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT TO PURCHASE LAND FROM THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE FOR CONSTRUCTION OF THE EAST RIVERSIDE FIRE STATION BRANCH

6. Consideration was given to a resolution authorizing the Mayor to sign a contract to purchase land from the Housing Authority of the City of Asheville for construction of the East Riverside Fire Station Branch.

The City Manager read the resolution and reported that this project had previously been approved by Council and this resolution merely authorizes the execution of the contract.

Upon motion of Councilman Horton, seconded by Councilman Colton, Resolution No. 75-98 was unanimously adopted.

Complete text of Resolution No. 75-98 will be found in Resolution Book No. 8 at page 163.

RESOLUTION NO. 75-99 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT FOR THE PURCHASE OF PROPERTY IN THE CIVIC REDEVELOPMENT AREA (Disposal Parcel No. 1)

7. Consideration was given to a resolution authorizing the Mayor to sign a contract for the purchase of property in the Civic Redevelopment Area. (Disposal Parcel No. 1).

The City Manager read the resolution and reported that this project had previously been approved by Council and this resolution merely authorizes the execution of the contract.

The City Manager said that Mr. Ray Kisiah, Director of Parks and Recreation, was now working on cutting a six to eight foot path in this area. However, he does not recommend paving the path at this time.

COMPLAINT - MRS. CARL W. LOFTIN - SPEEDING IN GROVE PARK AREA

Mayor Wood presented a letter received from Mrs. Carl W. Loftin regarding speeding in the Grove Park Area. He instructed that the letter be made a part of minutes.

The letter is as follows:

60 Lawrence Place
Asheville, NC 28804
July 31, 1975

Members of the City Council
c/o Richard A. Wood, Jr.
First Union National Bank Building
Asheville, NC 28801

Dear Members of the City Council:

On June 19, I heard a violent screeching of brakes in front of my home on the corner of Lawrence and Evelyn Place. I was so frightened that one of my children or someone else had been hurt that I rushed out and found it only to be two young people stopping to talk to each other. I was verbally insulted by a young man when I asked him why he was not driving more slowly in a residential neighborhood. I was so upset by his attitude and by the reckless way he must have been driving, to have left tire marks which I measured at over 60 feet, that I immediately memorized his license number, came in and called the police. As I was entering my house, I noticed at least 7 of my neighbors, who had been alarmed by the sound, coming to see what had happened. I called the police and found out that I could do nothing since I hadn't actually witnessed the reckless driving and that the police could do nothing.

Since this incident I have had many conversations with the police, particularly Captain Sloop and Paul Dutcher. Paul Dutcher suggested a study of the street to see if lowering the speed limits would be advisable and Captain Sloop told me that he could not enforce the speed limit unless signs were posted. Mr. Dutcher says that the signs may be available soon but would probably be stolen in short order. At such time as they are placed what we need is enforcement.

This past Monday night Carl observed two cars racing down the street exactly abreast. If another car had been coming in the opposite direction, someone would have certainly been killed.

I realize that we are not the only neighborhood served by the police. I feel, however, that the large nightly gatherings of teenagers in Grove Park has caused our neighborhood to get far more than its share of speeding and other unlawful and dangerous acts, including theft from our cars. The occasional police car in Grove Park does not help much but many of the neighbors have suggested, and I concur, that police cars with radar parked on side streets would go a long way to alleviate the speeding situation, as well as the littering situation.

I know that littering is a problem everywhere, but in what neighborhood can a person sit in his yard in daylight and see cans and bottles thrown into his yard in front of him. My husband has picked up not less than 8 to 10 broken bottles in the yard in the last 10 days. We cannot even let our children go barefooted in the front yard and, of course, they cannot use Grove Park because of the intolerable conditions there.

We respectfully suggest that the pathway be paved.

NAME	ADDRESS
Mrs Vernelle Hardy	2 Hunt Hill P.L.
Lelia Miller	2-D Mountainside Apts
Clyde J Arnold	8E Pete Salt Cir E.
John H. White	19 Cross Road, Asheville NC 28805
Helen M. Reilly	46 Edwin Place Condo #1 Asheville NC
Warren Bee	44 Linn St, Orono, Me
Lawrence Hyde	Asheville, N.C.
Al Sweeney	3E Mountainside Apts
George Brown	7 Woodside Dr Apt 2
Lonnie V Kelly	116 Mountain View Circle
Maurice Ennis	7 Hunt Hill Place
Gertie G Ennis	7 Hunt Hill Place
Arthur Wilson	Hunt Hill Place [illegible]
Mrs Doris M. Gray	5E Mountainside Apts
Beulah Mann	2-C Mountainside Apts
Jack Ingram	10-E Mountainside Apts
"Frankie" Allen	37 Mountain Side Apt
Hiram Brandon	Weaver Apt 35
Robert Brandon	35 Weaver Apt
Miss Shirley Bowditch	8 Hunt Hill Pl.
George Bowditch Jr.	8 Hunt Hill Pl
Shirley T. Bowditch	8 Hunt Hill Pl.
Regina Bowditch	8 Hunt Hill Pl.
Nathaniel Bowditch	8 Hunt Hill Pl.
Kenneth Bowditch	8 Hunt Hill Pl.
Preston C. Bowditch	8 Hunt Hill Pl.
Deborah Jefferson	52 Forsythe St
Lyle Isaac Bonner	2C Mountainside Apt
James L & R. Ritter	2 Edgehill Pl.
Mrs Emma Ritter	2 Edgehill Pl.
S.P. Grant	2 Edgehill Pl.
Shelah Lloyd	46 Hunt Hill Place
Miss Carrie Taylor	54 Hunt Hill Pl.
Jonathan T Taylor	54 Hunthill Pl.
Edward Thompson	29 Edgehill Ave.
Bonnie Thompson	29 Edgehill Ave
Bertha Swaggerty	12 Edgehill Ave
Mrs Ramsey	121 Oakland Rd.
J.D. Lewis	3 Hunt Hill Pl.

MR. E. R. McCARTHY - CRITICIZING FEDERAL PROGRAMS OFFICE

Mr. E. R. McCarthy read a letter he had sent to the Asheville Citizen "Backtalk" published in the Asheville Citizen on Thursday, July 31, 1975. In this letter he criticized the City for secretly setting up a Federal Programs Office.

Adjournment.

Richard A. Wood, Jr.
MAYOR

William S. Malcolm
CITY CLERK

While everyone has been extremely courteous over the telephone to those of us who have called, the fact remains that nothing has been done that has effectively changed the situation. Do we, as taxpayers, have to sit in our front yards and make citizens arrests or can something be done, as Martha Hoskins suggested, like closing off some of the streets in the park or even closing off the end of Evelyn at the stop light between Edwin and Kimberly Avenue?

Two lives have been lost in this area recently. I hope something will be done before more lives are lost; perhaps one of them being the life of a small, innocent child.

I have tried very hard, to no avail, to go through the correct channels, as have many of my neighbors. I am now asking you as one who worked very hard for your election to do something for me and my neighbors.

Very truly yours,

Celeste

Mrs. Carl W. Loftin

I fully agree with all of the above
Something must be done!

Carl W. Loftin

Chief Hall advised that officers have been instructed to concentrate in this area in an effort to control the speeding and congestion. He said he had talked with some of the residents in this area, during this week, and was informed that the situation had slightly improved.

A discussion followed relative to the control of speeders all over the city.

PROGRESS REPORT - HUD 312 LOAN PROGRAM

Ken Michalove, Assistant City Manager, gave the following progress report on the HUD 312 Loan Program,

Total Inspections Completed (includes disqualifications)	35
Fund Reservations sent to Greensboro	18
Inspections and Cost Estimates Currently being Processed	10
Applications declined by owner-occupants	3
Money in Reservation	$224,512.00

He said this test revealed that the flow of the fire hydrant in front of Hall Fletcher School was down, however, they would determine if a leak has occurred in the line that would reduce the flow and bring the flow back to its original capacity.

Mr. Edens said the Planning and Zoning Commission recommended that the 8-inch lines in Haywood Street and State Street be joined by an 8-inch main to provide better fire protection to the school. He said it would be his recommendation, that since the deficiency of water in the area is not great and there are so many other areas in the City that have no fire protection whatsoever, that the expenditure of extending the 8" lines is not justified.

The City Manager also read a memorandum from Chief P. N. Ball relative to the water survey of hydrants at the Hall Fletcher School.

The City Manager read a memorandum from Mr. Bostic, Street Superintendent, relative to the upgrading of Ridgelawn and Garden Circle. He said the total cost of materials to upgrade these streets would be $5,328.00, excluding labor and equipment rental of approximately $5,000.00.

The City Manager said these projects were not absolutely necessary at this time for the construction of the new school and suggested that Council approve the site plan and allow him to discuss, with the Asheville City School Board, the widening of adjoining streets at a later date.

Upon inquiry of Councilman Colton, John Cort, Architect for the new school, said that the City Board of Education was incurring the cost of widening Garden Circle and Ridgelawn on property bordering the school. He said this was included as part of the contract for the construction of the school.

After discussion, Vice-Mayor Marshall moved to approve the site plan of the proposed Hall Fletcher Middle School. This motion was seconded by Councilman Horton and carried unanimously.

Mayor Wood directed the City Manager to work with the Street Division and the Asheville City School Board on the proposal to widen the streets extending away from the school property.

ORDINANCE NO. 854 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED. (Brevard Road -Interstate 40) - Western North Carolina Farmers Market

4. Consideration was given to the third reading of Ordinance No. 854, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended. (Brevard Road -Interstate 40) Western North Carolina Farmers Market

Mayor Wood noted that the ordinance passed on first and second reading at the July 31, 1975 meeting and the ordinance would not be re-read in its entirety unless there was a specific request to do so.

On a roll call vote of 6-0, Ordinance No. 854 passed on its third and final reading.

Complete text of Ordinance No. 854 will be found in Ordinance Book No. 6 at page 309

Thursday - August 7, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., Bill B. Horton, Eugene C. Ochsenreiter, Jr., Henry E. Colton, J. W. Hoyle, Corporation Counsel William C. Moore, City Manager Ernest J. Ward.

Absent: Assistant City Manager/City Clerk William F. Wolcott, Jr.

1. Approval of minutes of July 31, 1975 meeting.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, the minutes of the July 31, 1975 meeting were approved as submitted.

PUBLIC HEARING - CAR WASH FACILITY - U. S. 70 AT OTEEN - CHRISTOPHER CLEDARAS

2. A public hearing was held relative to the site plan of a proposed car wash facility to be located on U. S. 70 at Oteen for Christopher Cledaras.

Mayor Wood opened the public hearing at 3:02 o'clock p. m.

The City Manager read the advertised notice to the public and affidavit of publication setting the time and date for the public hearing.

Bob McDonald of the Planning Staff, reported that the Planning and Zoning Commission recommended approval of the site plan subject to the developer complying with all sections of the Sedimentation Ordinance (Ordinance No. 813) and providing ten (10) parking spaces on the lot. He said it was his understanding that these conditions had been complied with and that this project would not create any traffic or environmental problems.

No one voiced opposition to the approval of the site plan.

Mayor Wood closed the public hearing at 3:08 o'clock p. m.

Vice-Mayor Marshall moved to approve the site plan of the proposed car wash facility to be located on U. S. 70 at Oteen. This motion was seconded by Councilman Hoyle and carried unanimously.

PUBLIC HEARING - HALL FLETCHER MIDDLE SCHOOL - GROUP DEVELOPMENT

3. Further consideration was given to the site plan of the proposed Hall Fletcher Middle School.

Mayor Wood requested the City Manager to report on information requested by Council regarding fire protection-water supply to the Hall Fletcher Middle School and also on the upgrading of the surrounding streets.

The City Manager read a memorandum from W. E. Edens, Water and Sewer Director, which stated that pursuant to Council's direction, Chief Ball had fire flow tests made on three hydrants in the vicinity of the Hall Fletcher School on Monday, August 4, 1975.

Presently our firm is involved in the substantial rehabilitation of similar structures in several states. The Andrew Johnson Hotel Building in Knoxville is one of these.

We would propose to convert the Battery Park Hotel into efficiency units for low income elderly citizens of Asheville using the congregate dining concept to serve the residents. We believe this concept of housing affords many advantages to the elderly residents to obtain a living unit and a well-balanced food program at rates which can be afforded by them. The larger common spaces in the structure would be converted for resident use for such purposes as: conversation rooms, TV areas, library, chapel or assembly areas, laundry room, etc. We would also propose to have available a food service operation (probably cafeteria style) that would be available to serve the public.

In order to make this proposed project a reality, it will be necessary for the City of Asheville to determine it as the highest priority in providing housing for the elderly in the community. To that end, this priority would be structured in the City's Housing Assistance Plan naming the conversion of the Battery Park Building as the structure which the City wishes HUD to approve for 210 units for the elderly under the Section 8 Program. Also, the City would request HUD under Section 8 Regulations (881.203,d) to preapprove this site and to immediately begin negotiations with the developer to provide this housing development.

The present owner of this property and our development team would pledge our best efforts in determining the feasibility of this project in a relatively short period of time. We are confident that this fine old structure offers unusual opportunities for the purpose which we would propose for it. It also should be stated here that our approach would be to privately develop this property, and it would remain in the tax stream. Also, if a higher and better use became available at a later date, we would certainly be receptive to altering the use of this structure in cooperation with the City and the residents which we will serve.

We look forward to receiving your response to this matter. Please inform us if you need more detailed information concerning our proposal.

Sincerely yours,

F. Rodney Lawler

F. Rodney Lawler, President
LAWLER-WOOD ASSOCIATES, INC.

BIDS - PLUMBING CONTRACT FOR NORTH FORK FILTER PLANT

RESOLUTION NO. 75-101 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH PLEMMONS PLUMBING AND HEATING COMPANY, INC. FOR THE PROJECT KNOWN AS WATER FACILITIES, PHASE II

5. Consideration was given to bids received July 8, 1975 for the Plumbing Contract of the Water Facilities, Phase II Program.

The City Manager read a letter from C. A. Willis, O'Brien And Gere Engineers, which recommended the acceptance of the low bid submitted by Plemmons Plumbing and Heating Company in the amount of $19,000. He said there were several informalities and irregularities connected with the bid but since none were of apparent consequence they recommended that Council waive the irregularities and award the contract to Plemmons Plumbing and Heating Company, Inc.

The City Manager read the resolution.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, Resolution No. 75-101 was unanimously adopted.

Complete text of Resolution No. 75-101 will be found in Resolution Book No. 8 at page 166

ELDERLY APARTMENT PROJECT PROPOSAL - BATTERY PARK HOTEL

Mr. K. M. Michalove, Assistant City Manager, read the following letter from Lawler-Wood Associates, Inc. requesting that the City Council endorse as first priority the conversion of the Battery Park Hotel to an Elderly Apartment Project under Section 8 provisions of the 1974 Housing and Community Development Act.

LAWLER-WOOD
ASSOCIATES
INCORPORATED

146 Maryville Pk. • Knoxville, Tenn. 37920 • Phone 615/577-2551

DEVELOPERS
CONSULTANTS

August 1, 1975

Mayor Dick Wood
City Hall
Asheville, N.C.

Dear Mayor Wood:

As you know, our firm has been working with the owner of the Battery Park Hotel Building to determine its feasibility as a use for housing for the elderly. We would propose the conversion of this building for use for the elderly under Section 8 Provisions for the 1974 Housing and Community Development Act.

HUD also indicated that they will not push for Section 8 rehabilitiation projects during the first year. They did, however, indicate that elderly housing is high in national priorities.

There is, undoubtedly, a need for elderly housing in the city at this time. Although the Housing Authority states that there are about 280 elderly families on their waiting list at present, their records of February indicated that 377 were on the waiting list at that time. The Vanderbilt Apartments indicated full occupancy in February and 60 individuals on their waiting list.

Asheville contains a fairly high percentage of older people. According to the 1970 Census, 19.1 percent of all families living in the city have heads over 65 years of age. This compares with 10 percent in Greensboro, 12.3 percent for Winston-Salem, 9.9 percent in Raleigh, and 9.7 percent in Charlotte. These older citizens, needless to say, deserve special consideration in repayment for their contribution to society.

There is, however, strong concerns from people who work with the elderly about deficiencies in architectural design of high-rise apartments for the elderly by some developers. These deficiencies include the lack of proper railings along stairways, inadequate private bathroom facilities, safeguards for the handicapped, fire escape protection, sight and hearing provisions. Discussion with the North Carolina Council on Aging staff, Land of Sky Regional Council's Aging Coordinator, and the Easter Seal Society indicate that close scrutiny must be given to design plans of elderly high-rise buildings. All of these agencies have apprehensions about this type of housing for the elderly and prefer retirement village type of housing for the elderly. The village concept provides a much more healthful environment and added opportunities for outdoor leisure activities.

A telephone survey of existing rents for one bedroom apartments in the private market in Asheville revealed the following information:

(1)	Vanderbilt Apartments	$125.00/mo.	(utilities included)
(2)	Bear Creek	$148.00/mo.	(water furnished)
(3)	La Mancha	$155.00/mo.	(water furnished)
(4)	Biltmore Garden	$155.00/mo.	(Water furnished)
(5)	Turtle Creek	$165.00/mo.	(water furnished)
(6)	Oak Knoll	$94-143/mo.	(water furnished)

The Asheville Housing Authority during the previous year experienced an average utility cost per unit in their elderly high-rise apartments of $29.06 per month; $4.00 of which was for water. Carolina Power and Light Company will be raising the electric rate by twelve percent next month and possibly 22 percent next year. Therefore, an average utility cost figure of $36.00 per month is more realistic.

Mr. Donald Blackwell, owner of the Battery Park Hotel Building, asked Council to help him and the proposed developers obtain funds to convert the building to low-rent housing for the elderly. He said the developers plan to convert the building to 210 one-room units. He said plans would call for a congregate dining room with the residents paying about $2.00 per day for their meals. Other common areas in the hotel would include television room, library and chapel or assembly room. He said the building could be ready for use in nine months with help from the Department of Housing and Urban Development. He said the City would have to declare housing for the elderly at the Battery Park a priority need in order for HUD to negotiate with the owner and the developer.

Mr. Michalove also summarized the following memorandums from the Planning Division and the Asheville Housing Authority pointing out some of the problems that would arise.

MEMORANDUM

TO: Ken Michalove, Assistant City Manager - Planning and Development

FROM: Verl R. Emrick, Jr., Planning Director, and Marvin Vierra, Planner II

SUBJECT: Elderly Apartment Project Proposal

DATE: July 25, 1975

The City of Asheville has had very little experience in providing housing for low income families since this activity has been accomplished solely by the Housing Authority for the past several years.

The proposal which was recently presented to convert the Battery Park Hotel into an elderly housing project is predicated on the city being able to entice HUD to raise the Fair Market Rent limits for Asheville and to increase the city's allocation of number of units for Section 8.

Although it is possible for HUD to raise the Fair Market Rent by ten (10) percent through the field office and twenty (20) percent by the Assistant Secretary for Housing Production, a recent discussion with HUD officials in Greensboro indicated that HUD will be reluctant to raise the rent limits during the first year since the regulations provide for readjustments every two years. The next Fair Market Rent study for North Carolina will be conducted by HUD during the coming fiscal year. (Present rents were derived from a HUD study conducted during the previous fiscal year).

It is also doubtful that HUD will increase unit allocations at this point in time. If the total North Carolina allocation is not committed during the fall of this year, reprogramming will probably take place next spring.

HOUSING AUTHORITY OF THE CITY OF ASHEVILLE
ASTON PARK TOWERS
704 - 253-3806

July 28, 1975

Mr. Ken Michalove
Assistant City Manager
City of Asheville
P. O. Box 7148
Asheville, North Carolina 28807

Subject: Battery Park Hotel
Elderly Housing

Dear Mr. Michalove:

Careful consideration has been given to subject proposal and the following summation is a unanimous evaluation by Housing Authority staff and myself.

The Asheville Housing Authority has on file, 405 active applications from elderly, disabled and handicapped citizens. Within eighteen months, this Authority will be able to house 121 of this total in new Project N. C. 7-1B (Bartlette Street) and twenty-four in Project N. C. 7-8, East Riverside, leaving a balance of 260 to be housed.

The proposal for subject project directs intentions to house 200 elderly in zero-bedroom apartments. To be able to house 200 of our elderly, handicapped and disabled citizens in the proposed time period by subject developers (9 months) definitely has merit as to time and number. However, architectural barriers such as location and lack of land area presents serious environmental consideration.

Past and present experience indicates a strong desire on the part of elderly citizens to remain active in some fashion, in an outside environment such as vegetable gardening, flower gardening, strolling in open areas and an atmosphere to gather and chat. It is our opinion that subject site would limit these citizens to interior activities and side-walk strolling which places a restriction upon them as to the freedom and environment that they are entitled to.

Another objectionable feature of subject proposal is congregate dining. Past and present experience strongly indicates that our elderly citizens of low income would not accept this readily. Diets vary tremendously among this age and race groups; such as special foods of this generation and special ways of preparing, proposes a serious restriction upon the eating habits and freedom of choice.

The average rent for the six apartment establishments surveyed is $148 per month. After adding an inflated utility cost of $31 (excluding water which is provided), the average gross rent is $179.

In light of the above information it would be inadvisable for the City of Asheville to ask HUD to raise the Fair Market Rent ceiling for a rent subsidy program. It also would not be advisable at this time to ask HUD to increase the total unit allocation for Section 8 since this would put the city into a position of supporting a complicated federal program which has not been tested. If the program should fail or fall short of expectations, or come under scandalous abuse from private developers, the city could stand to lose some credibility with its constituency.

Since the Section 8 contract will be between HUD and the project owner, it should be the owner's responsibility to seek the requested changes from HUD, and the city's role should only be one of advising HUD of its concerns about the project at which time HUD should ask the city for comments on the project. Several firms could possibly be submitting proposals to HUD and the city would be in an awkward position if it favored one project over another before HUD received and reviewed all proposals.

The proposal to convert the apartment building into a hotel at which time as the economic demand for such a facility was high is not considered sound reasoning for city support since the city would be accountable for providing housing for the displaced persons.

The economic impact of the project on the downtown area would be insignificant since elderly people are generally not large spenders.

Considering all of the above information, it is recommended that the city withhold its support of this particular elderly apartment project proposal at this time.

Verl R. Emrick, Jr.
Planning Director

Marvin Vierra
Planner II

MV/hr

Councilman Morris moved to schedule a public hearing on the matter for August 28, 1975. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

REZONING REQUEST - BUILDERS SAVINGS-LOAN COMPANY, INC. - WARD 8, SHEET 31, LOT 22

The City Manager read a letter from the Planning and Zoning Commission recommending approval of the rezoning request of Builders-Savings Loan Company, Inc. to rezone Ward 8, Sheet 31, Lot 22 from R-2 Residential District to CH Commercial Highway District.

Councilman Morris moved to schedule a public hearing on the matter for September 4, 1975 to be advertised at the expense of the petitioner. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

PROPOSED ASHEVILLE SIGN AND OUTDOOR ADVERTISING ORDINANCE

The City Manager read a letter from the Planning and Zoning Commission recommending to Council the proposed Asheville Sign and Outdoor Advertising Ordinance including certain wording changes recommended by the staff. He said, a second draft of the proposed ordinance with the amendments would be prepared and submitted to Council for consideration by August 21, 1975.

REPORT OF CHIEF OF POLICE - POLICE CALL TO HAZZARD STREET - AUGUST 2, 1975

Chief Police J. C. Hall reported that on Saturday night, August 2, 1975, the Police Department received a call from a lady on Hazzard Street stating that her house was being damaged by an individual; cars were dispatched to the scene; other calls came in stating that a gun was involved; and officers answering the call were faced with a young man holding a poker, with which they were threatened. He said, it was his understanding, that one of the officers was struck with the poker and the officer hit the young man with a stick to get the poker out of his hands. He said the young man was taken to the hospital and examined by Dr. Michaels. He said, as a result of this incident, after talking with Dr. Michaels and Mr. Ron McElrath with the Asheville Buncombe Community Relations Council, he had instructed Lt. Hensley and Patrolman Medford to work with Mr. McElrath on this investigation and to interview no one, regarding the incident, unless they were in the presence of Mr. McElrath. He said the investigation was still under way and it would be several days before a final determination would be made.

RESOLUTION NO. 75-102 - RESOLUTION IN MEMORIAM OF THOMAS WILLARD SIMPSON

Consideration was given to a resolution in memoriam of Thomas Willard Simpson.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Ochsenreiter, Resolution No. 75-102 was unanimously adopted.

Complete text of Resolution No. 75-102 will be found in Resolution Book No. 8 at page 167.

After all consideration, we are of the opinion that our community can provide housing for our elderly, handicapped and disabled citizens in an area that would still provide most of the activities and environment that these citizens are entitled to.

Very truly yours,

W. C. King
Executive Director

WCK/jh

After discussion, Mayor Wood said that Council would not take any action on the matter at this meeting but it would be scheduled on next weeks agenda in order to give members of Council and the public an opportunity to consider the proposal further.

PETITION - 37 WHITE FAWN DRIVE

The City Manager presented a petition received from residents of White Fawn Drive requesting immediate demolition of 37 White Fawn Drive, stating that within the last month, the house has been on fire four times, thus becoming a fire hazard and placing the lives and property of two families in extreme jeopardy.

Mayor Wood referred the petition to the Inspection and Demolition Division for investigation and to report their findings to Council at next weeks meeting.

CLAIM - GIRMES OF AMERICA, INC.

The City Manager presented a claim received from Girmes of America, Inc. for damages resulting from the City cutting off the water supply to their plant, without notification.

Mayor Wood referred the claim to the Corporation Counsel for investigation and recommendation.

GROUP DEVELOPMENT - LIBRARY FACILITY ON HAYWOOD STREET

The City Manager read a letter from the Planning and Zoning Commission recommending approval of the site plan of the proposed library facility to be located on Haywood Street near the Vanderbilt Apartments and adjacent to the new parking garage presently under construction.

VANCE MONUMENT - DISCUSSION

Rabbi Samuel A. Friedman, representing several organizations plus the Daughters of the American Revolution; Mrs. Viola Stevens, president of the Asheville Chapter of the United Daughters of the Confederacy and Mack White, representing the WNC Historical Association, all spoke to Council relative to rumors suggesting that the Vance Monument be moved from Pack Square. They appealed to Council to restore and repair the monument as may be needed but not to remove it from Pack Square.

Mayor Wood commented that Council had no intentions of removing the monument but in fact decided at last weeks meeting to advertise for bids on repairing the monument of the late U. S. Senator and Governor and said the City plans to spend about $3,500 on the project. He said the monument would stand where it is now but in better condition.

DR. OTIS B. MICHAELS - REQUEST FOR FIRE HYDRANT ON COGSWOOD ROAD

Dr. Otis B. Michaels, 8 Cogswood Road, appeared before Council requesting that a fire hydrant be installed on Cogswood Road.

Mayor Wood instructed the City Manager to confer with Mr. W. E. Edens, Water and Sewer Director, on the total cost for installation of any necessary new lines and the cost of a fire hydrant for this location.

Adjournment.

Richard D. Wood
MAYOR

Marian F. Mahler
CITY CLERK

ENDORSEMENT OF REQUEST OF ASHEVILLE STAMP CLUB - ISSUANCE OF COMMEMORATIVE POSTAGE STAMP HONORING THOMAS WOLFE

Mayor Wood said that he had received a request from the Asheville Stamp Club, which is in the process, along with other citizens in the community, including Dr. Claude Frazier, to call upon the Citizens Stamp Advisory Committee to recommend the issuance of a postage stamp commemorating the seventy-fifth birthday of Thomas Wolfe this year. He said a number of organizations in our community had gone on record in support of such a project and the Asheville Stamp Club has requested that the Asheville City Council go on record as endorsing the effort.

Councilman Morris moved to endorse the issuance of a postage stamp commemorating Thomas Wolfe and to commend the same to the Citizens Stamp Advisory Committee. This motion was seconded by Councilman Hoyle and carried unanimously.

Mayor Wood directed that the City Clerk advise the Asheville Stamp Club and the Postmaster General of such action taken by the Asheville City Council.

PROGRESS REPORT - FEDERAL 312 LOAN PROGRAM

Mr. Michalove, Assistant City Manager gave the following progress report of the Federal 312 Loan Program:

August 6, 1975

Inspections were discontinued at 12:00 noon today.

Number of commitments in Greensboro.....19

Number being signed today for transmittal to Greensboro..... 4

Number of write-ups to be completed and transmitted to Greensboro by Monday..... 4

Number in Greensboro from Redevelopment Area..... 4

ANTICIPATED TOTAL.....31

APPROXIMATE DOLLAR VALUE.....$300,000

There will be a period of a week to ten days between next Monday and the time that the loans all come back from Greensboro.

During this interim period, our inspectors will be offered the opportunity to take vacation, if they desire it.

Upon return of the loans from Greensboro, each of the inspectors will be involved full time for approximately the next year finalizing the loan, taking bids, letting contracts and performing daily inspections of the construction work accomplished on each house. Each inspector will have full responsibility for each house upon which he performed the initial inspection.

These tasks will again be supplemented by additional inspections when fiscal year '76 loan money becomes available.

Mr. Lloyd Kirk, 886 Hendersonville Road, voiced opposition to the proposal stating that the redevelopment of housing in the downtown area is not appropriate and emphasis should be placed on convention hotels in relation to the Civic Center.

Henry Chapman, a resident of the Vanderbilt Apartments, spoke in favor of the proposal stating that in his opinion there is a need for a facility of this type especially for the elderly. He said the facility should have two or three room apartments with each having a kitchenette.

Mr. E. R. McCarthy also voiced opposition to the proposal as presented.

Mr. Verl Emrick, Director of Planning, noted that it was his understanding, that there were other developers making plans to submit proposals to HUD under the provisions of Section 8.

Mr. Jim Grey with the Advocate/Native Stone publication said he felt an intensive research should be made into the proposal and suggested that a committee be appointed with representatives of the City staff, Asheville Housing Authority, and the Asheville-Buncombe Community Relations Council to explore the study of such housing needs.

After discussion, Mayor Wood asked if any member of Council wished to make a motion regarding the request of Mr. Blackwell and Lawler-Wood Associates.

In the absence of a motion, Mayor Wood declared the request denied. He said this would not preclude the firm from submitting their proposal to HUD under the provisions of Section 8.

RESOLUTION NO. 75-103 - RESOLUTION PROVIDING FOR THE ISSUANCE OF $2,500,000 WATER BOND ANTICIPATION NOTES

Councilman Colton introduced the following resolution which was read:

RESOLUTION PROVIDING FOR THE ISSUANCE OF $2,500,000 WATER BOND ANTICIPATION NOTES

BE IT RESOLVED by the City Council of the City of Asheville:

Section 1. The City Council has determined and does hereby find and declare:

(a) That an order authorizing $8,250,000 Water Bonds was adopted by the City Council of the City of Asheville on February 19, 1974, which order was approved by a vote of a majority of the qualified voters of the City who voted thereon at a referendum duly called and held on April 6, 1974.

(b) That $3,075,000 of said bonds has been issued, which bonds are designated "Water Bonds, Series A", and are dated March 1, 1975, that no notes have been issued in anticipation of of the receipt of the proceeds of the balance of said bonds, and that it is necessary to issue at this time $2,500,000 notes in anticipation of the receipt of the proceeds of a like amount of said bonds.

2. In anticipation of the receipt of the proceeds of a like amount of said bonds, the issuance of $2,500,000 negotiable notes of the City of Asheville is hereby authorized, which notes

Thursday - August 14, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Bill B. Horton, Eugene C. Ochsenreiter, Jr., Henry E. Colton, Corporation Counsel William C. Moore, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilmen Ralph D. Morris, Jr. and J. W. Hoyle, City Manager Ernest J. Ward

1. Approval of minutes of August 7, 1975 meeting.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Horton, the minutes of the August 7, 1975 meeting were approved as submitted.

SENIOR HOUSING DEVELOPMENT - BATTERY PARK HOTEL - DISCUSSION

2. Further consideration was given to the request of Mr. Donald M. Blackwell, owner of the Battery Park Hotel, on behalf of Lawler-Wood Associates of Knoxville, Tenn. for the City's support of a proposed contract with the Department of Housing and Urban Development for a low-rent Senior Housing Development of the Battery Park Hotel.

Mr. Blackwell presented a brochure to members of Council outlining details of the proposal and the services it would provide. He said Lawler-Wood Associates is presently operating this kind of facility in several locations, including the Andrew Johnson in Knoxville, Tennessee. He said time was of essence since proposals under Section 8 of the 1974 Housing and Community Development Act had to be submitted by August 28, 1975. He said, as stated in a letter from Lawler-Wood Associates, dated August 1, 1975, the developer was requesting the City to designate the project as the highest priority in providing housing for the elderly and to request HUD to preapprove this project and to immediately begin negotiations with the developer to provide this housing development.

After discussion, Councilman Horton said he felt Council did not have enough information from the developer nor about the provisions of Section 8 to make an intelligent decision at this time or before the deadline of August 28, 1975.

Mr. Charles R. Kern said he was an operator of a business in the Asheville Central Business District and represented the Steering Committee of a group of Central Business District businessmen and civic leaders who were in the process of forming an association for the logical development and guidance for the downtown area development. He said this committee is working with the Asheville Area Chamber of Commerce, Center Asheville Association, and Quality '76 towards this end. He said they had developed a list of objectives, both short and long range, for the betterment of the area based on trends and logic to guard against expediency. He said on this list is the best utilization of the Battery Park Hotel and this location must be put to the best possible use if center Asheville is to realize its best and logical development. He said this committee seriously questioned whether the elderly housing project is the best use. He said it was the committee's opinion that the location should relate to the Civic Center such as; the conversion of the hotel into a resort/convention hotel, in-town condominiums or the property to be acquired by the City and held in escrow until it could become one of the above. He said if these priorities could not be met then the use of the Battery Park Hotel as presently proposed would be better than the building being vacant. However, he said, this proposal should not be acted on expeditiously and should receive further exploration.

the time of payment, is legal tender for the payment of public and private debts. For the prompt payment hereof, both principal and interest as the same become due, the full faith and credit of said City of Asheville are hereby irrevocably pledged.

This note is given for money borrowed in the amount of the face of this note in anticipation of the receipt of the proceeds of a like amount of Water Bonds duly authorized by an order adopted by the City Council of said City on February 19, 1974, which order was approved by the vote of a majority of the qualified voters of said City who voted thereon at a referendum duly called and held, and this note is issued pursuant to and in full compliance with The Local Government Bond Act, as amended, Article 9, as amended, of Chapter 159 of the General Statutes of North Carolina, and a resolution duly passed by the City Council of said City.

It is hereby certified and recited that all acts, conditions, and things required by the Constitution and laws of North Carolina to happen, exist, and be performed precedent to and in the issuance of this note have happened, exist, and have been performed in regular and due form and time as so required, and that the total indebtedness of said City, including this note, does not exceed any constitutional or statutory limitation thereon.

IN WITNESS WHEREOF, said City of Asheville has caused this note to be signed by its Mayor and its City Clerk and the corporate seal of the City to be affixed hereto, all as of the 8th day of September, 1975.

Approved as to form:

[Manual signature]
Corporation Counsel

[Manual signature]
Mayor

[Manual signature]
City Clerk

shall be designated "Water Bond Anticipation Notes" shall be dated September 8, 1975, shall mature on April 7, 1976, without option of prior payment, and shall bear interest at a rate to be determined by the Local Government Commission at the time the notes are sold, which interest shall be payable at the maturity of the notes to which no interest coupons shall be attached. Said notes shall be payable as to both principal and interest at such bank or trust company, shall have such denomination or denominations and shall bear such number or numbers as may be fixed by the Mayor after the award of the notes by the Local Government Commission, and both the principal of and the interest on said notes shall be payable in any coin or currency of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts.

Section 3. Said notes shall be signed by the Mayor and the City Clerk and the corporate seal of the City shall be affixed to the notes. The form of said notes and the endorsements to be placed upon said notes shall be substantially as follows:

No. _____ $_____

United States of America
State of North Carolina
County of Buncombe

CITY OF ASHEVILLE

Water Bond Anticipation Note

The City of Asheville, a municipal corporation of Buncombe County, North Carolina, is justly indebted and for value received hereby promises to pay to the bearer on the 7th day of April, 1976, the principal sum of

_____ THOUSAND DOLLARS

and to pay interest thereon from the date hereof at the rate of _____ per centum (_____%) per annum, payable upon the presentation and surrender of this note at its maturity. Both the principal of and the interest on this note are payable at _____ _____, in _____, _____, in any coin or currency of the United States of America which, at

RESOLUTION NO. 75-104 - RESOLUTION AUTHORIZING THE MAYOR TO SIGN A LEASE CONTRACT WITH THE NORTH CAROLINA DEPARTMENT OF JUSTICE POLICE INFORMATION NETWORK

4. Consideration was given to a resolution authorizing the Mayor to sign a lease contract with the North Carolina Department of Justice Police Information Network.

The Assistant City Manager read the resolution and explained that this agreement would increase the maintenance and circuit costs of the Police Information Network System at the Asheville Police Department from $153.50 per month to $175.00 per month effective January 1, 1976.

Upon motion of Councilman Horton, seconded by Councilman Ochsenreiter, Resolution No. 75-104 was unanimously adopted.

Complete text of Resolution No. 75-104 will be found in Resolution Book No. 8 at page 171.

RESOLUTION NO. 75-105 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE STATE OF NORTH CAROLINA FOR AN ACTUARIAL PREVALUATION OF THE COSTS INVOLVED IN THE CITY PARTICIPATING IN THE NORTH CAROLINA LOCAL GOVERNMENT EMPLOYEES RETIREMENT SYSTEM

5. Consideration was given to a resolution authorizng the City Manager to enter into an agreement with the State of North Carolina for an actuarial prevaluation of the costs involved in the City participating in the North Carolina Local Government Employees Retirement System.

The Assistant City Manager read the resolution.

Mr. Mike Smith, Director of Central Services, said this prevaluation would be compared with the proposed plan prepared by H. Gray Hutchinson & Associates and a determination would be made from the data obtained as to which plan would be the most economical and put to the best use. He said the costs involved in this project would be approximately $2,000.00.

Upon motion of Councilman Colton, seconded by Councilman Horton, Resolution No. 75-105 was unanimously adopted.

Complete text of Resolution No. 75-105 will be found in Resolution Book No. 8 at page 172.

Mayor Wood instructed Mr. Smith to forward a copy of the resolution to the State in order for them to proceed with the prevaluation.

RESOLUTION NO. 75-106 - RESOLUTION APPOINTING MEMBERS OF BOARD OF ELECTRICAL EXAMINERS AND MEMBERS OF BOARD OF EXAMINERS OF MOTION PICTURE OPERATORS

Consideration was given to a resolution appointing members of Board of Electrical Examiners and members of Board of Examiners of Motion Picture Operators.

The Assistant City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Ochsenreiter, Resolution No. 75-106 was unanimously adopted.

Complete text of Resolution No. 75-106 will be found in Resolution Book No. 8 at page 173.

[To be endorsed upon reverse of notes]

Local Government
Commission Serial No. ....

The issuance of this note has been approved under the provisions of The Local Government Bond Act of North Carolina.

H. E. BOYLES
Secretary, Local Government Commission

By: [Manual signature]
Designated Assistant

Section 4. The action of the Director of Finance in applying to the Local Government Commission to approve, advertise and sell said notes and the action of the Local Government Commission in asking for bids for said notes by publishing a sale notice and printing and distributing circulars are hereby ratified and confirmed.

Section 5. This resolution, being a resolution directing administrative action, shall take effect immediately.

Richard A. Wood, Jr.
Mayor

William P. Wolcott, Jr.
City Clerk

Approved as to form:

William C. Moore
Corporation Counsel

Thereupon Councilman Colton moved the passage of the foregoing resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF $2,500,000 WATER BOND ANTICIPATION NOTES", and Councilman Ochsenreiter seconded the motion and the resolution was passed by the following vote:

Ayes: Councilmen Eugene C. Ochsenreiter, Jr., Henry E. Colton, Bill B. Morton, and Vice-Mayor Calvin W. Marshall.

Nays: None.

Thereupon the foregoing resolution was authenticated by the signing thereof by the Mayor and the City Clerk, and the Corporation Counsel endorsed upon said resolution his approval as to the form thereof.

Mayor Wood instructed the City Manager to pursue this matter further and to inform Dr. Michaels, by forwarding to him a copy of Mr. Edens memorandum, that consideration is being given to his request.

FIRE HYDRANT - DEBRA LANE

Councilman Horton requested the City Manager to investigate the possibility of a fire hydrant being installed on Debra Lane.

JIM GREY - COMMENTS - BATTERY PARK HOTEL - INVESTIGATION INTO POLICE INCIDENT ON HAZZARD STREET

Mr. Jim Grey, of the The Advocate/Native Stone again suggested that Council appoint a committee to study the need for an elderly housing development in the downtown area.

Mayor Wood instructed the Planning Division and the Asheville Housing Authority to contact the Department of Housing and Urban Development and obtain further information regarding provisions of Section 8 of the 1974 Housing and Community Development Act as it relates to other cities and find out the intentions of the firms submitting proposals for this fiscal year's allocation by HUD.

Mr. Grey also asked if a report could be given on the investigation being made by the Asheville Police Department and the Asheville-Buncombe County Community Relations Council involving a police incident on Hazzard Street on August 2, 1975.

Assistant Chief Trulove advised that the investigation was still under way and a report should be ready next week.

Adjournment.

Richard A. Wood
MAYOR

Marian D. Holcomb
CITY CLERK

RESOLUTION NO. 75-107 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT OF WAY ENCROACHMENT AGREEMENT WITH THE NORTH CAROLINA STATE BOARD OF TRANSPORTATION FOR A WATER LINE AT THE INTERSECTION OF U. S. 74 (CHARLOTTE HIGHWAY) AND I-40 IN BUNCOMBE COUNTY.

Consideration was given to a resolution authorizing the Mayor to execute a right of way encroachment agreement with the North Carolina State Board of Transportation for a water line at the intersection of U. S. 74 (Charlotte Highway) and I-40 in Buncombe County.

The Assistant City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Vice-Mayor Marshall, Resolution No. 75-107 was unanimously adopted.

Complete text of Resolution No. 75-107 will be found in Resolution Book No. 8 at page 174.

REPORT ON PETITION RECEIVED FROM RESIDENTS OF WHITE FAWN DRIVE - 37 WHITE FAWN DRIVE

Mr. J. E. Johnson reported that, as instructed by Council, relative to a petition received from residents of White Fawn Drive requesting the immediate demolition of 37 White Fawn Drive, an inspection was made of the property in question and a Complaint and Notice of Hearing issued to all interested parties and a public hearing on the matter scheduled for August 29, 1975.

REPORT ON REQUEST FOR FIRE HYDRANT -COGSWOOD ROAD

The Assistant City Manager read the following memorandum from Mr. W. E. Edens, Water and Sewer Director relative to a request of Dr. Otis B. Michaels for a fire hydrant on Cogswood Road.

MEMORANDUM TO: Ernest J. Ward, Jr.
City Manager

FROM: William E. Edens
Director Water & Sewer Services

Re: Fire Hydrant Cogswood Road

In response to your memo of August 8 relative to Dr. Michael's request for a fire hydrant, I refer you to the attached map. The nearest water main of any consequence is the 12-inch line from Beaucatcher Reservoir to the Beaverdam Pump Station. In this vicinity pressures on it are extremely low, and it would be impracticable to extend this line upward to serve the Cogswood Area because of the elevation here.

It is my understanding that at the time the Cogswood Area was developed an attempt was made to obtain a right-of-way across other property from the 8-inch pump line on Patton Mountain in order to provide adequate fire protection and domestic service to this area. When it could not be obtained, the 1½-inch line was run for domestic service only. This is another incidence of where less than standard lines were permitted. The minimum expense of getting fire protection in this area probably will be $12,000 to $15,000, and it will require a right-of-way off the pump line. If an easement is unattainable, a line along the general alignment of the 1½-inch line down Town Mountain Road will cost in the neighborhood of $36,000 to $40,000. With the costs of these alternatives it is obvious that economically it might be advisable to condemn a right-of-way in order to get fire protection into his area.

REPORT OF INVESTIGATION TEAM REGARDING THE HAZZARD STREET INCIDENT ON AUGUST 2, 1975 ASHEVILLE POLICE DEPARTMENT

4. The City Manager presented a report of the investigation team regarding the Hazzard Street incident on August 2, 1975 involving the Asheville Police Department. He pointed out that after receiving the report the Chief of Police has the recommendations made by the Asheville Buncombe Community Relations Council under study and that Officer Calloway had been suspended for macing the young girl involved in the incident. He said the suspension was for five (5) days, without pay.

Mayor Wood instructed that the report be made a part of the minutes.

The report is as follows:

TO: Mr. Joseph C. Hall, Chief of Police
Mr. Otis B. Michael, M.D., Chairman - Law Enforcment Committee
Asheville Buncombe Community Relations Council

REPORT OF THE INVESTIGATION TEAM

REGARDING THE

HAZZARD STREET INCIDENT ON AUGUST 2, 1975

Submitted by:

Officer Bobby Medford, A.P.D.
Lt. Fred Hensley, A.P.D.
Mr. Ronald McElrath, Exec. Director
ABCRC

cc: Mr. George Gragg, Chairman - ABCRC
Mr. Ernest Ward, City Manager
Mr. Richard A. Wood, Jr., Mayor

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Bill B. Horton, Eugene C. Ochsenreiter, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of August 14, 1975 meeting.

Upon motion of Councilman Morris, seconded by Vice-Mayor Marshall, the minutes of the August 14, 1975 meeting were approved as submitted.

PUBLIC HEARING - LIBRARY FACILITY ON HAYWOOD STREET

2. A public hearing was held relative to the site plan of the proposed library facility to be located on Haywood Street near the Vanderbilt Apartments and adjacent to the new parking garage presently under construction.

Mayor Wood opened the public hearing at 3:01 o'clock p. m.

The City Manager read the advertised notice to the public and affidavit of publication setting the time and date for the public hearing.

Verl Emrick, Planning Director, reported that the Planning and Zoning Commission had recommended approval of the site plan. In presenting the site plan, Mr. Emrick reviewed the details of the plan. He said it would have a ground level, a main level and a mezzanine, totaling approximately 50,000 square feet of floor space, with entrances at both the front and the side. He said an enclosed passageway would extend from Haywood Street through the building on one side, terminating on the sixth floor of the parking garage.

Mayor Wood closed the public hearing at 3:08 o'clock p. m.

Councilman Colton moved for the approval of the proposed library facility to be located on Haywood Street. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

PETITION TO CLOSE A PORTION OF WATER STREET AND ALL OF BLACK STREET, GERVAIS STREET, "GREENS ROW" AND AN UNNAMED ALLEY

3. The City Manager presented a petition from the Asheville Housing Authority requesting that a portion of Water Street and all of Black Street, Gervais Street, "Greens Row" and an unnamed alley be permanently closed. He advised Council that if they wished to consider the closing of these streets it would be necessary to pass a resolution setting a public hearing on the question and that if it was Council's wish he was prepared to present the resolution. On instructions from Mayor Wood he proceeded with the presentation of the following resolution.

RESOLUTION NO. 75-108 - RESOLUTION TO CLOSE A PORTION OF WATER STREET AND ALL OF BLACK STREET, GERVAIS STREET, "GREENS ROW" AND AN UNNAMED ALLEY

Councilman Horton moved for the adoption of the resolution setting the date for the public hearing for September 25, 1975. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Complete text of Resolution No. 75-108 will be found in Resolution Book No. 8 at page 175.

Richard A. Wood, Jr., Mayor

George A. Gragg, Jr., Chrm.
Ronald M. McElrath, Ex. Dir.

R. Curtis Ratcliff, Chrm.

ASHEVILLE–BUNCOMBE COMMUNITY RELATIONS COUNCIL
Allen Center • 331 College St. • Asheville, North Carolina 28801 • Phone 252-4713

Complaint: Police macing of Katherine Reid:

Findings: (1) Practically all officers indicated they had no idea she was maced and did not see it.
(2) Officer Calloway stated she just kept getting in the way, but the other officers said she was not obstructing them.

Conclusions: We believe it to indicate a poor decision on the part of the officers in a tense situation as that one.

Recommendations: This is an internal problem that should be handled by the rules of the department. Public should know action taken, if any, and apology to the youth if the department agrees with our findings.

Richard A. Wood, Jr., Mayor

George A. Gragg, Jr., Chrm.
Ronald M. McElrath, Ex. Dir.

R. Curtis Ratcliff, Chrm.

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PERSPECTUS

Mrs. Thelma Reid came to the Asheville Buncombe Community Relations Council with a police brutality complaint on August 4, 1975 at 8:30 a.m.

We immediately contacted Chief J. C. Hall and Mrs. Reid agreed to give her statement to the Chief. Chief Hall assigned Lt. Fred Hensley and Officer Bobby Medford to work with me in investigating Mrs. Reid's complaints. (Beating of her son and the macing of her daughter)

There was also a charge that she felt she had been bribed by an officer William Wardlow. That is an internal problem that has to be investigated by the Police Department. It is not a human relations problem in regards to violating Mrs. Reid's rights through inhumane treatment or a violation of her civil rights. That is a criminal charge.

From the standpoint of our investigation, there is enough reasonable doubt to indicate that the officers exerted no more force than necessary in this altercation on Hazzard Street with Cloueese Reid. However, we certainly believe all of this could have been avoided if the Carrington family and the Reid family could have resolved their differences earlier before this situation erupted. There was evidence to indicate agitation by the families as a result of someone breaking into the Carrington residence and the Carrington's son accusing the Reid youth. The situation had been boiling several days before the explosion on Saturday, August 2nd. We also believe that at least one black officer should have been on the scene which could possibly have calmed some of the anxieties on the part of all persons involved.

In the case of the spraying of mace by Officer Calloway on and at Katherine Reid (fourteen year old suffering from heart disease), from the Community Relations Council standpoint of the investigation, we believe it to be unjustifiable and could and should have been avoided. No evidence from any officers or other witnesses indicated that Katherine physically attacked or resisted the arresting officers. Evidence reveals the macing occurred after the cuffing of the brother as the officers were walking away.

(7) Did the arrest have to be made at that time? What could have happened if the first cruiser went to the scene and took Mrs. Carrington to the Magistrate's office to swear out a warrant. Cooling off period could occur.

(8) Police academy set up in North Carolina for all police and Asheville Police department or arrange with institution of government.

(9) Evaluation of officers and training by N. C. Institute of Government.

Richard A. Wood, Jr., Mayor

George A. Gragg, Jr., Chrm.
Ronald M. McElrath, Ex. Dir.

R. Curtis Ratcliff, Chrm.

ASHEVILLE–BUNCOMBE COMMUNITY RELATIONS COUNCIL
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List of Recommendations to Avoid Future such Situations:

TO THE COMMUNITY:

(1) Where there is hard feelings and problems brewing between neighbors; allot the local minister, community club, community leader or the Community Relations Council.

(2) Be sure you know the facts and state them correctly. Two persons called the police department and said there was shooting and a gun involved.

(3) Self control is most important.

TO THE POLICE DEPARTMENT:

(1) There should be more line sergeants or ranking officers to back up these types of situations and supervise so as to maintain proper discipline by officers.

(a) The ranking Lieutenant was late on the scene because of another disturbance in front of the Police Department.

(b) What if there were three simultaneous incidents at Hillcrest, Klondike and Kirkwood? How is the proper supervision and discipline going to occur.

(2) There are not enough black officers in proportion to the population and size of the force.

(3) There needs to be an internal affairs team to investigate all arrests resulting in an officer using any of his equipment such as pulling service revolver, shotguns, mace, and any other lethal weapons. (Make-up is important)

(4) The CRC be allowed to explain to all police officers what the role and function of its office is.

(5) There should not have been that many officers over at the scene. Group of officers said they decided to leave their beats on their own because they heard 10-32 call and officer in trouble.

(6) More discipline and training in dealing with abusive language in conflict and crowds is needed.

Findings (continued)

One witness (Mrs. Dimes) saw the boy go at the Police (in a rage) with a poker. Two others stated that Mrs. Reid wrestled the poker away from her son..

The Brown twins stated they took the poker from the Reid youth before the police altercation.

There are definite conflicts in these statements of the people closest to the Reid youth.

Weight is given to the fact that he had the poker at Mrs. Carringtons' and to the fact that the Brown boys had it and admitted going and giving it back to the Reid youth at one point. Several witnesses stated that the Reid youth was pushing his mother aside to go towards the police.

Conclusion:

The doctor's statements and our observations of the youth that Monday revealed no visible serious bruises to reveal police brutality as compared to Gary Muckelene and another case we previously investigated at CRC office.

Recommendations:

(1) The situation may have been better controlled if an experienced, well seasoned officer was at the scene earlier to supervise the operation and deploring of the officers. For example; in the military there is always at least a Sergeant available. In a 10-32 situation or a racial conflicting situation that could have blown up, there should be at least one additional roving Sergeant or ranking officer to supervise the situation.

Richard A. Wood, Jr., Mayor
George A. Gragg, Jr., Chrm.
Ronald M. McElrath, Ex. Dir.
R. Curtis Ratcliff, Chrm.

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Breakdown of Allegations

Complaint: Police Brutality in the arrest of Clouesse Reid:

(1) Mother and several youngsters allege that Cloueese was beaten by six officers and had a gun placed at his head after submission.
   a) Denied by all officers involved
   b) Several adult witnesses also denied seeing that occur.

Supportive Data:

Mrs. Roberta Dimes and Mrs. Higginbottom stated that they saw no such occurances. However, they did see Cloueese resisting and struggling with officers. The Police Department received several calls to Hazzard Street.

a) First call came from lady stating that there was a break in at another lady's house at 93 Hazzard Street.
b) Second call came from lady stating that a boy was going down the street with a gun to break in on a lady.
c) Third and fourth calls from Mrs. Carrington in fear of her life stating someone was breaking in her house.
d) Fifth call came from a man stating that there was a shooting up at 93 Hazzard Street.

Findings:

Police did exert force, but the situation and circumstances indicate the nature of the situation and the fact that Mrs. Reid alludes to the fact that Cloueese was out of his head and she was trying to slap him back to himself from the rage he felt for Mrs. Carrington; which further indicates that he was not under control. His mother stated he kept saying, " They are going to hit me with those sticks again." Mrs. Reid said that her son told her that Officer Foster was the man that had arrested and hit him before. Mrs. Reid refused to let us see her son's juvenile record; however, Officer Foster said he never remembered arresting the boy before but he had seen the boy in custody at the Post Office.

Complete text of Resolution No. 75-110 will be found in Resolution Book No. 8 at page 177.

PETITION - RESIDENTS OF RICHMOND HILLS REQUESTING RECREATIONAL AREA

9. The City Manager presented a petition received from residents of Richmond Hills requesting that recreational facilities be made available in their neighborhood.

Mayor Wood instructed that the petition be referred to the Parks and Recreation Advisory Board for study and recommendation.

The City Manager was excused from the meeting at 3:35 o'clock p. m.

BIDS - MODIFICATIONS TO COVERED WALK AT ASHEVILLE AIRPORT

10. The Assistant City Manager read a letter from Six Associates, Architects, stating that bids were received on August 20, 1975 for modifications to the covered walkway at the Asheville Airport. It was their recommendation that the low bid submitted by J. P. Huggins, Jr. in the amount of $9,987 be accepted.

Councilman Morris moved to accept the low bid submitted by J. P. Huggins, Jr., in the amount of $9,987 for the modifications to the covered walk at the Asheville Airport and that the Mayor be authorized to sign the necessary contracts for the project. This motion was seconded by Councilman Colton and carried unanimously.

Bid Summary

Bidder	Bid
Associated Constructors, Inc.	$12,689
C. C. Blount Associates, Inc.	11,371
Heritage Commercial Contractors, Inc.	11,070
J. P. Huggins, Jr.	9,987
George H. Keller	12,543
Price-Ray Constructors, Inc.	13,893

BIDS - TIRES AND TUBES AS REQUIRED THROUGH JUNE 30, 1976

11. Consideration was given to bids received August 1, 1975 for tires and tubes as required through June 30, 1976.

The Assistant City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bidder for each bid item.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bids to the low bidder for each bid item. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary is as follows:

REQUEST OF THOMS CABLEVISION FOR APPROVAL TO TRANSMIT CITY POLICE AND FIRE DEPARTMENT RADIO CALLS

5. The City Manager presented a request from Thoms Cablevision requesting City Council to approve the transmitting of City Police and Fire Department radio calls on the cable system. He said Thoms Cablevision is also seeking permission to transmit radio calls of the Sheriff's Department, State Police, and Buncombe County Rescue Squad. He said as a result of this request, he had requested and received recommendations from the various departments and agencies. He said that all the recommendations were favorable to the request.

Mayor Wood instructed that members of Council be furnished with copies of the recommendations and that the matter be scheduled for consideration on next weeks agenda.

CONFIRMATION OF SALE OF WATER BOND ANTICIPATION NOTES

6. The City Manager reported that he had received a confirmation of sale of $2,500,000 Water Bond Anticipation Notes. He said the best bid received was from North Carolina National Bank with a interest cost of 4.2364%. He commented that this interest rate was better than anticipated.

RESOLUTION NO. 75-109 - RESOLUTION APPOINTING MEMBERS OF THE PLANNING AND ZONING COMMISSION FOR THE CITY OF ASHEVILLE (J. Bertram King, Roger M. Lyda, James W. Daniels, Joseph L. Brady, Mrs. Norma T. Price)

7. Consideration was given to a resolution reappointing J. Bertram King, Roger M. Lyda, James W. Daniels, Joseph L. Brady and Mrs. Norma T. Price as members of the Planning and Zoning Commission.

The City Manager read the resolution.

Upon motion of Councilman Colton, seconded by Councilman Hoyle, Resolution No. 75-109 was unanimously adopted.

Complete text of Resolution No. 75-109 will be found in Resolution Book No. 8 at page 176.

RESOLUTION NO. 75-110 - RESOLUTION CALLING FOR A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE TO BE KNOWN AS THE CITY OF ASHEVILLE SIGN AND OUTDOOR ADVERTISING ORDINANCE

8. Consideration was given to a resolution calling for a public hearing for the adoption of an ordinance to be known as the City of Asheville Sign and Outdoor Advertising Ordinance.

The City Manager read the resolution.

Corporation Counsel William C. Moore noted that it was anticipated that the hearing would not be completed in one meeting and that the notice to the public advising of the public hearing should note that the public hearing would probably be continued without further legal advertisement of the hearing.

Councilman Ochsenreiter moved for the adoption of the resolution, setting the public hearing for September 18, 1975. This motion was seconded by Councilman Morris and carried unanimously.

Item	Estimated Quantity	Size	Ply, Tread & Cord	B. F. GOODRICH STORES ASHEVILLE, N.C.	SULTAN OF TIRES ASHEVILLE, N.C.	FIRESTONE STORES ASHEVILLE, N.C.	HUGHES TIRE DISTR ASHEVILLE,
[illegible]	10	900 x 20	10-Ply Con. Nylon	84.84	65.73 ✓	69.95	77.91
[illegible]	30	1000 x 20	12-Ply Con. Nylon	112.98	86.51 ✓	88.72	104.14
[illegible]	2	9-22.5	10-Ply Con. Nylon	NO BID	66.15	63.37 ✓	87.42
25	80	1000 x 20	Rib Loggers with Overhead Steel	158.55 ✓	NO BID	NO BID	NO BID
26	6	600 x 16	6-Ply Snow & Mud Nylon	NO BID	21.35	20.31 ✓	24.26
27	4	700 x 16	6-Ply Snow & Mud Nylon	NO BID	24.98 ✓	30.15	28.23
28	4	800 x 16.5	8-Ply Snow & Mud Nylon	NO BID	33.73 ✓	41.36	41.68
29	4	822 x 5	10-Ply Snow & Mud Nylon	NO BID	68.85 ✓	81.51	NO BID
30	40	750 x 20	10-Ply Snow & Mud Nylon	72.98	62.42 ✓	74.53	64.28
31	40	825 x 20	10-Ply Snow & Mud Nylon	82.01	63.27 ✓	74.20	84.35
32	10	900 x 20	10-Ply Snow & Mud Nylon	94.61	76.46 ✓	89.39	97.88
33	80	1000 x 20	12-Ply Snow & Mud Nylon (Rock Loggers with Steel Overhead)	158.55 ✓	NO BID	NO BID	NO BID
[illegible]	12	500 x 8	4-Ply Con. Nylon	NO BID	10.16 ✓	15.21	12.11
[illegible]	6	500 x 16	4-Ply Con. Nylon	NO BID	20.07 ✓	NO BID	20.28
[illegible]	40	GR70 x 15	Radial (Rayon)	40.64	36.59	30.19 ✓	36.33
[illegible]	80	HR70 x 15	Radial (Rayon)	46.10	38.61	32.47 ✓	37.84

SECTION IV BID SHEETS GROUP I - NEW TIRES

ITEM	Estimated Quantity	Size	Ply, Tread & Cord	B. F. GOODRICH ASHEVILLE, N.C.	SULTAN OF TIRES ASHEVILLE, N.C.	FIRESTONE STORES ASHEVILLE, N.C.	HUGHES TIRE DISTRIBU ASHEVILLE, N.C.
1	25	C78 x 13	4/2 Conventional	NO BID	17.63	15.92 ✓	19.09
2	50	E78 x 14	4/2 Conventional	21.15	19.17	17.17 ✓	19.80
3	50	F78 x 14	4/2 Conventional	NO BID	20.30	18.38 ✓	20.88
4	30	G78 x 14	4/2 Conventional	22.78	21.15	19.16 ✓	21.89
5	10	H78 x 14	4/2 Conventional	24.68	22.50	20.62 ✓	22.80
6	6	C78 x 15	4/2 Conventional	NO BID	NO BID	17.95 ✓	21.06
7	300	G78 x 15	4/2 Conventional	24.36	21.62	19.66 ✓	22.11
8	30	H78 x 14	4/2 Snow & Mud	26.25	21.91	20.52 ✓	22.70
9	20	G78 x 14	4/2 Snow & Mud	NO BID	23.12	21.41 ✓	23.37
10	20	G78 x 15	4/2 Snow & Mud	28.46	23.80	21.97 ✓	24.06
11	5	H78 x 15	4/2 Snow & Mud	NO BID	24.75	23.59 ✓	26.60
12	5	L78 x 15	4/2 Snow & Mud	NO BID	26.22	25.57 ✓	28.48
13	5	F78 x 15	4/2 Snow & Mud	NO BID	19.14	17.64 ✓	31.01
14	30	700 x 15	6-Ply Con. Nylon	31.08	22.44	28.31	22.31 ✓
15	60	700 x 16	6-Ply Con. Nylon	33.28	22.67 ✓	28.37	24.06
16	24	750 x 16	6-Ply Con. Nylon	35.49	30.00	32.36	28.48 ✓
17	2	750 x 20	8-Ply Con. Nylon	NO BID	46.45	47.95	39.57 ✓
18	25	750 x 20	10-Ply Con. Nylon	61.53	46.68 ✓	50.97	48.93
19	4	800 x 16.5	10-Ply Con. Nylon	NO BID	32.59 ✓	42.31	33.19
20	30	825 x 20	10-Ply Con. Nylon	71.09	56.55 ✓	58.06	65.55
21	4	900 x 15	12-Ply Con. Nylon	NO BID	78.51 ✓	86.97	109.47

Item	Estimated Quantity	GROUP II - NEW TUBES Size	Tubes	B. F. GOODRICH ASHEVILLE, N.C.	SULTAN OF TIRES ASHEVILLE, N.C.	FIRESTONE STORES ASHEVILLE, N.C.	HUGHES TIRE DISTRIBU ASHEVILLE, N.C.
2	40	[illegible]	Tubes	NO BID	1.92 ✓	2.49	2.11
3	200	[illegible]	Tubes	" "	1.92 ✓	2.41	2.07
4	50	700 x 15	Tubes (Short Stems)	" "	2.93	3.66	2.27 ✓
5	25	750 x 20	Tubes (Long Stems)	" "	5.48	6.42	4.91 ✓
6	40	825 x 20	Tubes	" "	5.53 ✓	7.60	5.67
8	10	900 x 20	Tubes	" "	6.14 ✓	9.07	6.30
9	10	1000 x 20	Tubes	" "	6.92 ✓	9.86	7.18
10	100	1000 x 20	Tubes	" "	9.29 ✓	11.40	11.53
11	40	1000 x 20	Tubes (Radial)	" "	6.03	4.91 ✓	5.50
12	4	7/8 x 17.5	Tubes	" "	4.83	3.66	2.51 ✓
13	4	800 x 16.5	Tubes	" "	2.43	2.62	2.24 ✓
14	20	500 x 8	Tubes				

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	Estimated Annual Qty	Size	Ply, Tread & Cond	B. F. GOODRICH ASHEVILLE, N.C.	SULTAN OF TIRES ASHEVILLE, N.C.	FIRESTONE STORES ASHEVILLE, N.C.	HUGHES TIRE DISTRIB ASHEVILLE, N.C.
-se	10	1000 x 20	Conventional Radi	146.16	141.41 ✓	155.03	NO BID
-se	10	1000 x 20	Snow & Mud Radial	146.16 ✓	147.07	170.54	NO BID
40	3	16.9 x 24	8-Ply Tractor Tire	NO BID	121.31 ✓	187.30	165.50
41	4	14.00 x 24	12-Ply Implement/ Tractor	NO BID	219.21	350.37	205.79 ✓
42	4	13 x 24	12-Ply Implement/ Tractor	NO BID	167.30 ✓	303.73	185.46
43	4	8 - 14 .5	12-Ply Conventional	NO BID	37.47 ✓	44.94	38.90
44	4	7.75 x 14	6-Ply Conventional	NO BID	19.53 ✓	NO BID	NO BID

	Estimated Quantity	Size	Recapping	B. F. GOODRICH ASHEVILLE, N.C.	SULTAN OF TIRES ASHEVILLE, N.C.	FIRESTONE STORES ASHEVILLE, N.C.	HUGHES TIRE DISTRIBU ASHEVILLE, N.C.
	18	F78 x 15	Conventional	NO BID	10.41 ✓	11.01	NO BID
	35	G78 x 15	Conventional	" "	10.90 ✓	11.99	" "
	10	H78 x 15	Conventional	" "	11.39 ✓	13.12	" "
	4	600 x 16	Conventional	" "	10.90 ✓	11.38	" "
	12	650 x 16	Conventional	" "	12.10 ✓	13.96	" "
	18	700 x 15	Conventional	" "	14.90 ✓	16.30	" "
	24	700 x 16	Conventional	" "	14.90 ✓	16.85	" "
	35	750 x 16	Conventional	" "	17.55 ✓	19.36	" "
	25	825 x 20	Conventional	" "	26.32 ✓	33.44	" "
	15	900 x 20	Conventional	" "	31.80 ✓	40.13	" "
	8	1000 x 20	Conventional	" "	35.24 ✓	44.57	" "
	100	HR78 x 15	Conventional	" "	19.96	15.76 ✓	" "
	50	HR78 x 15	Mud & Snow	" "	22.85	15.76 ✓	" "
BID DEPOSIT:				5% BID BOND	5% BID BOND	5% BID BOND	5% CERTIFIED CHECK

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	GROUP III - RECAPS			B. F. GOODRICH	SULTAN OF TIRES	FIRESTONE STORES	HUGHES TIRE DISTRI
	Estimated Quantity	Size	Recapping	ASHEVILLE, N.C.	ASHEVILLE, N.C.	ASHEVILLE, N.C.	ASHEVILLE, N.C.
1	6	700 x 13	Mud & Snow	NO BID	10.41 ✓	11.02	NO BID
2	6	E78 x 14	Mud & Snow	NO BID	10.41 ✓	12.19	NO BID
3	23	F78 x 14	Mud & Snow	" "	10.41 ✓	12.36	" "
4	20	G78 x 14	Mud & Snow	" "	11.80 ✓	13.60	" "
5	8	H78 x 14	Mud & Snow	" "	12.60 ✓	14.85	" "
6	12	F78 x 15	Mud & Snow	" "	10.41 ✓	12.39	" "
7	55	G78 x 15	Mud & Snow	" "	10.91 ✓	13.61	" "
8	25	H78 x 15	Mud & Snow	" "	12.60 ✓	14.89	" "
9	10	H78 x 15	Mud & Snow	" "	12.60 ✓	14.89	" "
10	10	600 x 16	Mud & Snow	" "	11.56 ✓	13.67	" "
11	10	650 x 16	Mud & Snow	" "	13.59 ✓	13.67	" "
12	20	700 x 15	Mud & Snow	" "	16.42 ✓	19.12	" "
13	15	700 x 16	Mud & Snow	" "	16.68 ✓	19.39	" "
14	25	750 x 16	Mud & Snow	" "	20.44 ✓	22.85	" "
15	10	750 x 20	Mud & Snow	" "	25.25 ✓	27.55	" "
16	25	825 x 20	Mud & Snow	" "	31.95 ✓	36.77	" "
17	30	900 x 20	Mud & Snow	" "	39.58 ✓	44.19	" "
18	90	1000 x 20	Mud & Snow	" "	44.00 ✓	49.11	" "
19	15	F78 x 14	Conventional	" "	10.20 ✓	10.97	" "
20	10	G78 x 14	Conventional	" "	10.41 ✓	11.94	" "
21	8	H78 x 14	Conventional	" "	10.41 ✓	13.09	" "

BIDS - CLARK EQUIPMENT COMPANY WATER LINE

12. Consideration was given to bids received August 15, 1975 for a 12-inch water main extending from the 16-inch main in Sweeten Creek Road to a point opposite the entrance to the new Clark Equipment Company Plant.

The Assistant City Manager read a letter from Mr. W. E. Edens, Water and Sewer Director, recommending the acceptance of the low bid submitted by Cooper Construction Company in the amount of $61,454.67. He said this project would be paid for by Buncombe County although the City is having the work done.

Councilman Colton moved to accept the recommendation of the Water and Sewer Director of awarding the contract to the low bidder, Cooper Construction Company, in the amount of $61,454.67 and that the Mayor be authorized to sign the necessary contracts for the project. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Bid Summary

Bidder	Bid
Cooper Construction Company	$61,454.67
Stepp Ditching Company	65,533.79
Brummit & Waddel, Incorporated	65,645.00
Taylor and Murphy Construction Company	67,940.60
Huntley Construction Company	72,475.46

BIDS - MEADOW ROAD SEWER LINE

13. Consideration was given to bids received August 15, 1975 for a 12-inch sewer line to cross the property of Southern Railway between Meadow Road at the foot of McDowell Street and the MSD interceptor.

The Assistant City Manager read a letter from Mr. W. E. Edens, Water and Sewer Director, recommending the acceptance of the low bid submitted by Taylor and Murphy Construction Company, in the amount of $19,394.38. He said this project was necessary to prevent legal action by the N. C. Department of Natural and Economic Resources.

Councilman Hoyle moved to accept the recommendation of the Water and Sewer Director of awarding the contract to the low bidder, Taylor and Murphy Construction Company in the amount of $19,394.38 and that the Mayor be authorized to sign the necessary contracts for the project. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Bid Summary

Bidder	Bid
Taylor & Murphy Construction Company	$19,394.38
Cooper Construction Company	19,900.00
Brummit & Waddel, Incorporated	26,634.00
Huntley Construction Company	43,996.70

37%

RECAPITULATION OF RECOMMENDED AWARD BY VENDOR - BID REQUEST NO. 285

	SULTAN	%	HUGHES	%	FIRESTONE	%	GOODRICH	%
GROUP I ($59,014.50)	~~$19,716.16~~ 19,719.16	33.4%	$2,255.12	3.8%	$10,210.62	17.3%	$26,829.60	45.5%
GROUP II ($2,087.53)	$1,799.20	86.2%	$ 268.69	12.9%	$ 19.64	.9%	-0-	
GROUP III ($19,150.00)	$16,786.60	87.6%	-0-		$ 2,364.00	12.4%	-0-	
TOTAL ($80,252,63)	~~$38,301.96~~ 38,304.96	47.7%	$2,523.81	3.1%	$12,594.26	15.7%	$26,829.60	33.5%

Councilman Colton moved to accept the recommendation of the Purchasing Agent and award the bid to the low bidder, Asheville International Truck Sales in the amount of $5,249.44. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Bid Summary

Bidder	Bid
Apple Tree Chevrolet	$5,375.00
Asheville International Truck Sales	5,249.44
Matthews Motors, Inc.	6,009.00

BIDS - BITUMINOUS CONCRETE SURFACING, BITUMINOUS CONCRETE BASE COURSE, AND PORTLAND CEMENT CONCRETE CURBS AND GUTTERS FOR THE STREET DEPARTMENT

17. Consideration was given to bids received August 20, 1975 for bituminous concrete surfacing, bituminous concrete base course, and Portland Cement Concrete Curbs and gutters for the Street Department.

The Assistant City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the lowest overall bid submitted by Asheville Paving Company, Inc. and Warren Brothers Construction Company, a joint venture, totaling $307,900.00 based on estimated quantities. The memorandum stated that subject bid request provided for paving or resurfacing of any designated public street or parking lot in the City of Asheville for fiscal year 1975-76. All bids for bituminous concrete surfacing and bituminous concrete base are quoted on a unit ton in place (finished surface) on the street. Bid price includes all necessary labor, material, equipment, transportation, and services to deliver finished bituminous concrete surface and provides for maintenance of traffic control, any cleaning of existing pavement as deemed necessary by the engineer, and any hand placement of material at intersections and aprons as deemed necessary by the engineer. Quantities used in this bid are approximate, based on street and parking lot paving requirements through June 30, 1976. Recommended unit prices, firm through current fiscal year, will apply to City of Asheville purchase orders to be issued on an as-needed basis.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bid to the lowest overall bid submitted by Asheville Paving Company, Inc. and Warren Brothers Construction Company, a joint venture, totaling $307,900.00 based on estimated quantities. This motion was seconded by Councilman Horton and carried unanimously.

Bid Summary is as follows:

BIDS - EIGHT (8) PICKUP TRUCKS FOR USE IN WATER AND SEWER DEPARTMENT

14. Consideration was given to bids received August 25, 1975 for eight (8) pickup trucks for use in Water and Sewer Department.

The Assistant City Manager read a memorandum from the Purchasing Agent which recommended the low bid submitted by Dorato Motors, Inc. in the amount of $3,353.75 per unit, totaling $26,830.00.

Councilman Horton moved to accept the recommendation of the Purchasing Agent and award the bid to Dorato Motors, Inc. in the amount of $3,353.75 per unit, totaling $26,830.00. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

Bidder	Bid		
Matthews Motors, Inc.	$3,637.23 ea.	total	$29,097.84
Apple Tree Chevrolet, Inc.	3,591.00 ea.	total	28,728.00
Asheville International	4,142.83 ea.	total	33,142.64
Dorato Motors, Inc.	3,354.75 ea.	total	26,830.00

BIDS - FIRE HOSE - 1-1/2" and 2-1/2" DIAMETER FOR FIRE DEPARTMENT

15. Consideration was given to bids received August 19, 1975 for fire hose for the Fire Department.

The Assistant City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Boyce L. Ford Company, Inc. in the amount of $4,130.00.

Councilman Ochsenreiter moved to accept the recommendation of the Purchasing Agent and award the bid to Boyce L. Ford Company, Inc. in the amount of $4,130.00. This motion was seconded by Councilman Morris and carried unanimously.

Bid Summary

Bidder	Bid
Supply Specialties	$4,460.00
Boyce L. Ford Company	4,130.00
Burgess Fire Equipment Inc.	4,580.00
Zimmerman-Evans Inc.	4,870.00
Tidewater Supply	4,760.00

BIDS - ONE (1) FOUR WHEEL DRIVE UTILITY TYPE TRUCK FOR THE WATER DEPARTMENT

16. Consideration was given to bids received August 15, 1975 for one (1) four wheel drive utility type truck fully enclosed to be used in the Water Department.

The Assistant City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid submitted by Asheville International Truck Sales in the amount of $5,249.44.

376a

SUMMARY — CITY OF ASHEVILLE — BIDS OPEN: AUGUST 20, 1975 - 2:30 P.M.

BID REQUEST NO. 294 — BITUMINOUS CONCRETE SURFACING, BITUMINOUS CONCRETE BASE COURSE AND PORTALND CEMENT CONCRETE CURB AND GUTTERS

MATED QUANTITIES	W.N.C. PAVING, INC. WAYNESVILLE, N. C.		MIDSTATE CONTRACTORS, INC. HICKORY, N.C.		ASHEVILLE PAVING CO., INC. AND WARREN BROTHERS CONSTRUCTION CO. (A JOINT VENTURE) ASHEVILLE, N. C.		
#1 - 10,300 TONS OF BITUMINOUS ETE SURFACE MATERIAL I-2	UNIT $18.95	EXTENSION $195,185.00	UNIT $20.75	EXTENSION $213,725.00	UNIT $17.95 ✓	EXTENSION $184,885.00	
#2 - 500 TONS OF BITUMINOUS ETE BASE MATERIAL H	$18.95	9,475.00	$20.75	10,375.00	$17.95 ✓	8,975.00	
#3 - 3,500 TONS OF BITUMINOUS ETE SURFACE MATERIAL P-1	$18.95	66,325.00	$20.75	72,625.00	$17.95 ✓	62,825.00	
#4 - 700 TONS BITUMINOUS CONCRETE ETE BASE MATERIAL B-B	$18.95	13,265.00	$20.75	14,525.00	$17.95 ✓	12,565.00	
#5 - 5,000 LINEAL FEET 5' STANDARD P.C. ETE CURB & GUTTER	$ 6.75	33,750.00	$ 6.75	33,750.00	$ 6.25 ✓	31,250.00	
#6 - 40 ADJUST M.H. 2"	$150.00	6,000.00	$150.00	6,000.00	$100.00 ✓	4,000.00	
#7 - 35 ADJUST VALVE MAX. 2"	$100.00	3,500.00	$150.00	5,250.00	$40.00 ✓	1,400.00	
#8 - 5 ADJUST C.B. MAX. AND FURNISH AND INSTALL 24" FRAME AND GRATES	$300.00	1,500.00	$500.00	2,500.00	$400.00 ✓	2,000.00	
L ENTIRE PROJECT ed on estimated quantities)		$329,000.00		$358,750.00		$307,900.00	
EPOSIT:	5% BID BOND		5% BID BOND		5% BID BOND		

Councilman Morris moved to schedule a public hearing to amend the zoning map of the City of Asheville to include extraterritorial zoning jurisdiction for September 25, 1975. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

REPORT - 37 WHITE FAWN DRIVE

20. Upon inquiry of Councilman Horton, J. E. Johnson, Chief Building Inspector, reported that as a result of a petition received from residents of White Fawn Drive requesting the immediate demolition of 37 White Fawn Drive, a hearing was held regarding the demolition on August 27, 1975 and the Findings of Fact and Order would be issued to the owner/owners in the next several days.

BUDGET - SUGGESTION BY COUNCILMAN HORTON

21. Councilman Horton presented members of Council and the City Manager a suggested format to use in preparing a monthly financial report giving consideration to a more comprehensive periodic budget review. He said the proposed format would give a better comparison of expenditures and revenues on a monthly basis.

Mayor Wood instructed that the Director of Finance and the City Manager take the suggested format into consideration and to pursue the possibility of its use in preparing financial reports.

FRANK R. FUSCO - WATER SUPPLY AND PRESSURE - MONTE VISTA TERRACE

Mr. Frank R. Fusco read and presented a petition requesting that action be taken regarding inadequate water supply and pressure on Monte Vista Terrace.

Mayor Wood instructed that the petition be referred to the Water and Sewer Director for investigation.

SCHOLARSHIP PROGRAM - MRS. LYNCH

Mrs. Lynch, a Model Cities resident, asked Council if there was any monies available that could be supplemented into the Model Cities Scholarship Program. She said her daughter was receiving funds from the program, however the cost of tuition had increased and those students receiving these funds would probably need extra funding to continue their education.

Mayor Wood instructed that Mr. Michalove, Assistant City Manager, meet with Mrs. Lynch and explain the Program to Mrs. Lynch and explore the possibility of whether any more monies would be available.

RICHARD STERNBERG - NEWFOUND SCHOOL

Mr. Richard Sternberg, a student at Newfound School, read a letter to members of Council thanking them for their concerns and efforts in improving the downtown area.

Adjournment.

Richard A. Wood, Mayor Frances J. Hoenstine

BIDS - TWO (2) TRAILER MOUNTED ENGINE DRIVE SUCTION UNITS FOR VACUUM COLLECTION AND MULCHING OF LEAVES

18. Consideration was given to bids received August 25, 1975 for two (2) trailer mounted engine drive suction units for vacuum collection and mulching of leaves.

The Assistant City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the only responsive bid received from North Carolina Equipment Company in the amount of $17,180.00. It was noted that two other bids were received but they did not meet specifications.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bid to North Carolina Equipment Company in the amount of $17,180.00. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

Bidder	Bid
Interstate Equipment Company	$12,400.00
Porter Brothers	7,994.96
North Carolina Equipment Company	17,180.00

ZONING JURISDICTION - AMENDMENT TO INCLUDE PORTION OF TOWN OF BILTMORE FOREST

19. Mr. Verl Emrick, Planning Director, advised that he had met with the Town Council of Biltmore Forest to present a proposal which would allow the City of Asheville to extend its extraterritorial zoning jurisdiction further southward into the area controlled by the Town of Biltmore Forest.

He said the Town Council reviewed the proposal and unanimously passed the agreement whereby they would cede to the City of Asheville that portion of their extraterritorial zoning jurisdiction east of U. S. 25 which is coterminous with the existing boundary between Asheville and Biltmore Forest.

He said it is now up to the Asheville City Council to accomplish the following in order to complete the agreement:

1. Authorize the Mayor to sign the agreement;

2. Schedule a public hearing for the amendment to the zoning map of the City of Asheville to include this extraterritorial jurisdiction.

Mr. Emrick reviewed for Council a map showing the territory and proposed zoning for the extraterritorial jurisdiction.

After discussion, Councilman Morris moved to authorize the Mayor to sign the agreement with the Town of Biltmore Forest allowing the City of Asheville to extend its extraterritorial zoning jurisdiction southward into the area controlled by the Town of Biltmore Forest. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Mr. McDonald also noted that Lot 118 on Sheet 31 was joined by the property in question on three sides and it was the Planning Staff's opinion that this small lot (50 x 50) should be included in the rezoning request. He said, in his opinion, Lot 118 was not suitable for residential use.

After discussion, Mayor Wood closed the public hearing at 3:18 o'clock p. m. and instructed the City Manager to read the prepared ordinance which would rezone the property as petitioned.

Councilman Colton moved for the adoption of the ordinance. This motion was seconded by Councilman Ochsenreiter.

On a roll call vote of 5-0, Ordinance No. 855 passed on its first reading.

Mayor Wood instructed the City Clerk to advise the owners of Ward 8, Sheet 31, Lots 118 and 154 that, during the second reading of the ordinance, Council would also consider adding these lots to the ordinance, thereby rezoning them from R-2 Residential District to CH Commercial Highway District.

RESOLUTION NO. 75-111 - RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION FOR A FEDERAL GRANT TO SUPPORT THE YMCA PROJECT YOUTH OUTREACH PROGRAM

3. Consideration was given to a resolution authorizing the Mayor to submit an application for a federal grant to support the YMCA Project Youth Outreach Program.

The City Manager read the resolution.

Mr. Bill Fesperman, with the YMCA explained that this grant would provide funds for the operation of a Project Youth Outreach Program. He said the YMCA was requesting the City to apply for the grant and to strongly recommend its approval.

He said the $28,000 one-year funding by LEAA would require a five per cent match, which the YMCA would provide in personnel. IN succeeding years, the LEAA funding will amount to 70 per cent of the total in 1976 and 30 per cent of the total in 1977. He said the YMCA would be responsible for raising the additional funds. However, he pointed out that this program would not require expenditures of any city funds.

He said a feature of the program would be the use of Japanese-made minibikes which will be used as the "carrot" of the program to keep the youths interested in the rehabilitation aspects of the program.

Upon motion of Councilman Ochsenreiter, seconded by Councilman Morris, Resolution No. 75-111 was unanimously adopted.

Mayor Wood instructed the Corporation Counsel to review the application to be submitted to LEAA.

Complete text of Resolution No. 75-111 will be found in Resolution Book No. 8 at page 178.

Thursday, September 4, 1975 - 3:00 o'clock p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Bill B. Horton, Eugene C. Ochsenreiter, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Vice-Mayor Calvin W. Marshall

1. Approval of minutes of August 28, 1975 meeting.

Upon motion of Councilman Hoyle, seconded by Councilman Horton, the minutes of the August 28, 1975 meeting were approved as submitted.

PUBLIC HEARING - REZONING - GOVERNOR'S VIEW ROAD AND HIGHWAY 70 - BUILDERS SAVINGS AND LOAN COMPANY, INC.

ORDINANCE NO. 855 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED

2. A public hearing was held relative to rezoning property located at Governor's View Road and Highway 70 (Ward 8, Sheet 31, Lot 22) from R-2 Residential District to Commercial Highway District, owned by Builders Savings-Loan Company, Inc.

Mayor Wood opened the public hearing at 3:03 o'clock p. m.

The City Manager read the advertised notice to the public and affidavit of publication setting the time and date for the public hearing.

Mr. Bob McDonald, of the Planning Staff, reported that the Planning and Zoning Commission had recommended that the request for rezoning be approved for the following reasons:

1. The property is contiguous with the existing Commercial Highway District on Tunnel Road (Highway 70);

2. Access to the property is adequate by way of Tunnel Road (Highway 70) and Governor's View Road;

3. This portion of Tunnel Road (Highway 70) is primarily commercial and the rezoning would not introduce an incompatible use into the area;

4. The site is not well suited for residential development for which it is now zoned; and

5. For the above reasons, it is the staff's opinion that the rezoning is in keeping with established planning and zoning practices; therefore, the amendment would be justified.

Mr. McDonald noted that this same request had been considered by the Planning and Zoning Commission in December, 1963 and February, 1964. He said both requests had previously been denied. However in February, 1964 the Commission recognized that this property was not suitable for residential purposes and that in the future it was hoped that the problem could be solved by the adoption of a comprehensive zoning plan.

2. Service and Maintenance Experience - The City has approximately 270 Rhodes meters and 200 Rockwell meters in service at this time. The following service and maintenance statistics have been noted.

   a. Timer failure - approximately 35% failure on Rhodes meter timers annually at a cost of $3.85 per meter plus labor. During the two (2) year period the manual Rockwell meters have been in service, they have functioned without significant cost to the City; maintenance has been nominal, mostly as result of unauthorized objects being inserted into the meters. The failure rate on the timers in the Rockwell meters has been nil.

   b. Service from manufacturer - during the past two (2) years no service representative from the M. H. Rhodes, Inc. has called on the City. During the same period of time the Rockwell International Corporation serviceman has visited the City at least once every two months.

3. Standardization of Parking Meters- because of reasons cited above, Central Services Department plans to standardize the use of parking meters from Rockwell International Corporation in the City's on and off street parking operations.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bid to Rockwell International Corporation totaling $18,361.44. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary	Item # 1 80 Twin Meters (160 spaces)		Item # 2 168 Single Meters	
Bidder	unit	extension	unit	extension
Rockwell International Corp.	$111.96	$8,956.80	$ 55.98	$9,404.64
M. H. Rhodes, Inc.	116.00	9,280.00	52.00	8,736.00

BIDS - NINE (9) FOUR DOOR SEDANS FOR VARIOUS DEPARTMENTS

6. Consideration was given to bids received August 29, 1975 for nine (9) four door sedans for various departments of the City.

The City Manager read a memorandum from the Purchasing Agent which recommended the low bid submitted by Apple Tree Chevrolet, Inc. totaling $29,931.36.

Councilman Hoyle moved to accept the recommendation of the Purchasing Agent and award the bid to Apple Tree Chevrolet, Inc. in the amount of $29,931.36. This motion was seconded by Councilman Ochsenreiter and carried unanimously.

Bid Summary

Bidder	Bid
Matthews Motors, Inc.	$31,188.52
Apple Tree Chevrolet	29,931.36
Dorato Motors, Inc.	33,373.09

REQUEST OF THOMS CABLEVISION FOR CABLE TELEVISION TRANSMISSION OF PUBLIC SAFETY CALLS

4. The City Manager presented a letter of request from Thomas Cablevision for approval of the cable system to transmit public safety radio calls from the Asheville Police and Fire Departments, Sheriff's Department, State Police and Buncombe County Rescue Squad. He said, after receiving the request, he had obtained recommendations from the various departments and agencies which had no objections for approval of the transmission of the radio calls.

Councilman Horton suggested that if Council approved the request that the City Manager be given the authority to terminate the agreement at any time, halting the broadcasts, when in his opinion the public knowledge of the messages may hinder efforts of the public safety officers.

After discussion, Councilman Morris moved to approve the request of Thoms Cablevision to transmit public safety radio calls on the cable system conditional upon the City Manager or his appointee be given authority to terminate the agreement at any time when in his opinion the public knowledge of the messages may hinder the efforts of the public safety officers. This motion was seconded by Councilman Horton and carried unanimously.

The City Manager advised that he had received communications, by telephone, that Thoms Cablevision was in agreement with the condition placed on the motion.

BIDS - MANUAL PARKING METERS FOR 328 SPACES

5. Consideration was given to bids received August 25, 1975 for manual parking meters for 328 spaces.

The City Manager read a memorandum from the Purchasing Agent which stated the following:

Rockwell International Corporation submitted the lowest bid for Item 1 @ $111.96 per unit and M. H. Rhodes, Inc. submitted the lowest bid for Item 2 @ $52.00 per unit.

Mike Smith, Director of Central Services and the Purchasing Agent reviewed the bids and recommended both bid items 1 and 2 be awarded for the fully responsive bid submitted by Rockwell International Corporation totaling $18,361.44 for the following reasons:

1. Compliance with Specifications

   a. M. H. Rhodes, Inc. cannot meet specifications with regard to field conversion kit for converting the meters to automatic operation as specified.

   b. Specifications require that a means of wiping remaining time off the meter without opening the case must be available to enforcement or service personnel. M. H. Rhodes, Inc. bid does not meet this requirement.

PROCLAMATION - EXECUTIVE HOUSEKEEPERS WEEK - SEPTEMBER 7 - 14

Mayor Wood proclaimed the week of September 7 - 14 as Executive Housekeepers Week.

Adjournment.

Richard A. Wood
MAYOR

William D. Haggett
CITY CLERK

RESOLUTION NO. 75-112 - RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO ENTER INTO A CONTRACT WITH THE NORTH CAROLINA CRIMINAL JUSTICE TRAINING AND STANDARDS COUNCIL

7. Consideration was given to a resolution authorizing the City of Asheville to enter into a contract with the North Carolina Criminal Justice Training and Standards Council.

The City Manager read the resolution and explained that this was in accordance with an act of legislation wherein the City of Asheville is eligible to receive salary supplements for certain law enforcement personnel. He said the salaries of two (2) animal control officers and three (3) meter maids would be supplemented through this contract with the North Carolina Criminal Justice Training and Standards Council.

Upon motion of Councilman Horton, seconded by Councilman Hoyle, Resolution No. 75-115 was unanimously adopted.

Complete text of Resolution No. 75-112 will be found in Resolution Book No. 8 at page 179.

LUTHER HALL - REQUEST FOR FIRE HYDRANT - 25 OLD WEST CHAPEL ROAD

The City Manager advised that some time ago Mr. Luther Hall of 25 Old West Chapel Road had requested that a fire hydrant be installed closer to his home. He said Mr. Hall has again made that request and that the matter would be investigated and a report given to Council at next weeks meeting.

CIVIC CENTER - COMMENTS BY JIM GRAY

Mr. Jim Gray, of The Advocate/Native Stone, said he was representing Mr. Don Fox, President of the Asheville Building and Construction Trades Council and he read a letter addressed to Mayor Wood from Mr. Fox, dated January 2, 1975, in which Mr. Fox called upon the City to impose and collect the full penalty due the City, maintaining that Ranger's performance on the job was not such as to merit any "forgiveness" of penalty. He said, at that time, when the issue was raised at a City Council meeting, the Mayor advised Fox that the question of whether or not the penalty should be imposed, and to what degree or beginning from what date, were matters that would be addressed by the architect as agent for the City, and a determination would be made when the project was substantially complete and had reached "punch list" stage.

Mr. Gray said that Mr. Fox had sought access to the "punch list" and an answer to his questions about the penalty. He said, Architect John Cort, of Baber, Cort and Wood, declined to discuss the penalty and would not give Fox access to the "punch list". He said Mr. Cort had said "as a matter of policy, we will not give records out without the written permission of the owners."

Mr. Gray said that on September 1, Mr. Fox had sent a telegram to Attorney General Rufus Edministen requesting a ruling by his office on two questions:

1) Whether the "punch list" prepared by the architect on this project falls within the class of material to which access is mandated by the "Freedom of Information" act; and

2) whether there is any discretionary authority under the act under which the City could refuse access to the "punch list".

He said when this opinion is received, the City would be furnished a copy of same.

The 1250 GPM Pumper exceeds the specifications in eight different areas. In a letter from Mr. Boyce L. Ford, President of Boyce L. Ford Company, Inc. states the 1250 unit has been on order for the past year and can be delivered within three to four months at a considerable savings to the City of Asheville, due to the fact it was ordered and has not increased in price since that time. Therefore, it was recommended by the Purchasing Agent and Chief Powell Ball that the alternate bid for the 1250 GPM Pumper at $55,600.00 be accepted.

Councilman Morris moved to accept the recommendation of the Purchasing Agent and award the bid for the alternate bid for the 1250 GPM Pumper at $55,600.00 to Boyce L. Ford Company, Inc. This motion was seconded by Councilman Hoyle and carried unanimously.

Bid Summary

Boyce L. Ford Company	Base Bid:	$54,407.00
	Alternate Bid:	$55,600.00
Triad Fire & Equipment Co.	No Bid	
Burgess Fire Equipment	No Bid	

BIDS - CAB AND CHASSIS WITH UTILITY BED FOR FIRE DEPARTMENT

4. Consideration was given to bids received September 8, 1975 for cab and chassis with Utility Bed for Asheville Fire Department.

The City Manager read a memorandum from the Purchasing Agent which recommended the acceptance of the low bid sumbitted by Dorato Motors, Inc. in the amount of $7,114.83.

Councilman Horton moved to accept the recommendation of the Purchasing Agent and award the bid to Dorato Motors, Inc. in the amount of $7,114.83. This motion was seconded by Vice-Mayor Marshall and carried unanimously.

Bid Summary

Bidder	Bid
Apple Tree Chevrolet	$7,956.56
Dorato Motors, Inc.	7,614.83
Matthews Motors, Inc.	7,675.00
Asheville International Truck Sales	No Bid
Carolina Truck & Body	No Reply

RESOLUTION NO. _____ - RESOLUTION AUTHORIZING THE PURCHASE OF A TRACT IN THE BEAVERDAM VALLEY FOR FUTURE RESERVOIR SITE

5. Consideration was given to a resolution authorizing the purchase of a tract in the Beaverdam Valley for future reservoir site.

The City Manager read the resolution.

Thursday, September 11, 1975 - 3:00 p. m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Bill B. Horton, Eugene C. Ochsenreiter, Jr., Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: Councilman Henry E. Colton

1. Approval of minutes of September 4, 1975 meeting.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Hoyle, the minutes of the September 4, 1975 meeting were approved as submitted.

ORDINANCE NO. 855 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", AS AMENDED (Ward 8, Sheet 31, Lot 22 and 118)

2. Second reading of Ordinance No. 855, an ordinance amending Ordinance No. 322, known as "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE", as amended.

Mayor Wood advised that members of Council had been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Mayor Wood noted that the City Clerk, as instructed by Council, had attempted to notify the property owners of Lots 118 and 154, Sheet 31, Ward 8, advising them that Council would also consider adding these lots to the proposed rezoning ordinance, thereby rezoning them from R-2 Residential District to CH Commercial Highway District.

Councilman Morris moved to amend the ordinance by including Lot 118, Sheet 31, Ward 8, in the ordinance rezoning the lot from R-2 Residential District to CH Commercial Highway District. This motion was seconded by Councilman Horton and the amendment carried unanimously.

On a roll call vote of 5-0, Ordinance No. 855, as amended, passed on its second reading.

BIDS - CUSTOM BUILT PUMPER FOR THE FIRE DEPARTMENT

3. Consideration was given to bids received August 25, 1975 for one custom built pumper for the Asheville Fire Department.

The City Manager read a memorandum from the Purchasing Agent which stated that one bid meeting specifications and an alternate bid exceeding specifications were submitted by the same bidder, and two "no bids" were received. The two bids were submitted by Boyce L. Ford Company, Inc. as follows:

Base Bid, per specifications

(1) - 1000 GPM Custom Pioneer Pumping Engine @ $54,407.00
Delivery: 14 months

Alternate Bid, exceeding specifications

(1) - 1250 GPM Custom Pioneer [illegible] Engine @ $55,600.00
Delivery: 3 to 4 Months

GROUP DEVELOPMENT REVIEW AND REZONING REQUEST - ASHEVILLE HOUSING AUTHORITY - PROJECT NC 7-8

The City Manager presented a letter from the Asheville Planning and Zoning Commission relative to the site plan of the proposed Housing Project NC 7-8 to be located on scattered sites in the East Riverside Urban Renewal Area. The Commission voted to recommend the site plan for approval subject to the following:

1) Approval of sedimentation plan for site grading in excess of one acre.

2) Approval of driveway construction.

3) Rezoning of lots on Site #3 from HI Heavy Industrial District to R-3 Residential District.

Vice-Mayor Marshall moved to schedule a public hearing on the rezoning request and the group development review of the Asheville Housing Authority Project NC 7-8 for October 9, 1975. This motion was seconded by Councilman Horton and carried unanimously.

REZONING REQUEST - CAROLINA POWER AND LIGHT COMPANY -HAYWOOD ROAD AND RIVERVIEW DRIVE

The City Manager presented a letter from the Asheville Planning and Zoning Commission relative to a request of Carolina Power and Light Company by James W. Smith that Ward 5, Sheet 1, portion of Lot 1, be rezoned from R-3 Residential District to HI Heavy Industrial District. The Commission recommended that the property be rezoned as requested.

Vice-Mayor Marshall moved to schedule a public hearing on the rezoning request of the Carolina Power and Light Company for October 9, 1975. This motion was seconded by Councilman Horton and carried unanimously.

REZONING REQUEST - WAYNE KINSER, AGENT FOR MRS. GEORGE M. DIXON - VANCE GAP ROAD

The City Manager presented a letter from the Asheville Planning and Zoning Commission relative to the request of Mr. Wayne Kinser, Agent, for Mrs. George M. Dixon that Ward 8, Sheet 25, Lot 50-1/4, and Ward 2, Sheet 19, Lot 1, be rezoned from R-3 Residential District to CH Commercial Highway District. The Commission recommended that the property be rezoned from R-3 Residential District to Office Institutional District.

Vice-Mayor Marshall moved to schedule a public hearing on the rezoning request of Mr. Wayne Kinser, Agent, for Mrs. George M. Dixon for October 9, 1975. This motion was seconded by Councilman Horton and carried unanimously.

GROUP DEVELOPMENT REVIEW- BRUCE RAMSEY - EMMA ROAD

The City Manager presented a letter from the Asheville Planning and Zoning Commission relative to the site plan for a proposed garage building to be constructed by Mr. Bruce Ramsey on Emma Road. This plan was submitted in accordance with Article 6. Group Developments of the Asheville Zoning Ordinance #322, as amended, because it involves the construction of more than one main building on a lot. The Commission recommended the site plan to Council for approval.

Vice-Mayor Marshall moved to schedule a public hearing on the group development review for Mr. Bruce Ramsey for October 2, 1975. This motion was seconded by Councilman Horton and carried unanimously.

Mr. Edens, Water and Sewer Director, answered general questions from members of Council relative to the resolution.

After discussion regarding the language of the resolution relative to the City's obligation of installing the pipe line before construction of the tank, Mayor Wood referred the resolution to the City Attorney for review and possible revision.

RESOLUTION NO. 75- 113 - RESOLUTION ACCEPTING PROPERTY AT THE CORNER OF MIMOSA DRIVE AND U. S. 19-23

6. Consideration was given to a resolution accepting property at the corner of Mimosa Drive and U. S. 19-23.

The City Manager read the resolution and explained that this deed was being conveyed to the City of Asheville at no cost to the City but would be enhanced by the cleaning up and maintenance of the property.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Ochsenreiter, Resolution No. 75-113 was unanimously adopted.

Complete text of Resolution No. 75-113 will be found in Resolution Book No. 8 at page 180.

FIRE HYDRANT - WEST CHAPEL ROAD - LUTHER HALL

Mr. Edens, Water and Sewer Director, reported that installation of an 8-inch line in Crayton Road would begin in about sixty (60) days. He said with the installation of this line it would be possible to install a fire hydrant in West Chapel Road as requested by Mr. Luther Hall. He said he had advised Mr. Hall of this installation.

MONTE VISTA TERRACE - REPORT ON WATER SUPPLY AND PRESSURE

Mr. Edens, Water and Sewer Director, reported that as a result of a petition presented to Council, relative to inadequate water supply and pressure on Monte Vista Terrace, a strong leak in the line had been repaired. However, there might be other reasons for the inadequacy and he would make a thorough investigation into the matter in the near future.

CIVIC CENTER - COMMENTS BY DON FOX - BUILDING AND CONSTRUCTION TRADES COUNCIL

Mr. Don Fox, President of the Asheville Building and Construction Trades Council, presented to members of Council a list of questions relative to the construction of the Asheville Civic Center. He said he hoped Council or their agents may be in a position to respond to these questions at the September 18, 1975 Council meeting.

Mayor Wood instructed that the City Manager and the Corporation Counsel review the questions posed by Mr. Fox and possibly be in a position to respond to the questions at the next Council meeting.

Mayor Wood also instructed that Mr. Evans, Civic Center Manager, be furnished with a copy of the questions since some deals with "bookings."

JOB SECURITY

Policy and Procedures, Rules and Regulations

(1) Manual for each man
  (a) Statements against another officer to be posted on the bulletin board
  (b) That when an officer has a complaint against him, and there has been an arrest made, there will be no action taken against him until the subject has been found not guilty
  (c) No more Investigations made by the Human Relations Council
  (d) Officers no longer have to write letters to the Chief when force had to be used in an arrest but supervisors on duty should be aware of this.

(2) Review Board
  (a) Made up of Asheville Policemen

(3) Line Sgts.
  (a) Made up of Senior Patrolman

(4) Up-date Civil Service laws
  (a) Abolish 5 point system

EQUIPMENT

(1) Leather gear and shoes furnished
(2) Cleaning of Uniforms
(3) Better clothing allowance
(4) Safety Features:
  (a) Shotguns placed upright
  (b) When cruisers are wrecked, have fixed right away.

He reviewed each proposal in detail. He said the morale of the Asheville policemen was the lowest it has ever been.

Sgt. Dillingham requested that Council give them an answer relative to the request for an immediate 25% raise by Friday morning, September 12, 1975. He said he felt most of the other proposals could be worked out.

Mayor Wood pointed out that a five per cent (5%) salary increase has already been budgeted beginning January 1, 1975 for both the Police and Fire Department.

Attorney Bruce Elmore, representing the Fraternal Order of Firefighters, strongly appealed to Council for a thirty per cent (30%) pay adjustment for the Asheville Firemen. He said this requested increase is based upon the cost of living increase in the past four years. He said they were also proposing longevity pay rather than merit increases. He also concurred with the requests of the Asheville Police Department. He said the firemen would like an answer to their request by Friday, September 12, 1975 at 3:00 p. m.

Ray Stepp, of the Asheville Central Labor Union, spoke to Council concurring with the request of the city policemen and firemen. He said as a taxpayer and union member, he urged Council to consider the requests for increases.

CLAIM - MRS. WHITESIDE AND MRS. JOHNSON

The City Manager presented a claim against the City filed by Ervin L. Ball, Jr. on behalf of Mrs. Whiteside and Mrs. Johnson.

Mayor Wood referred the claim to the Corporation Counsel for investigation and recommendation.

PETITION - RESIDENTS OF MONTFORD AVENUE - SPEEDING

The City Manager presented a petition received from residents of Montford Avenue requesting that more patrol cars - marked or unmarked - be put in the Montford Avenue section, particularly in front of Randolph School to control speeders in the area.

The City Manager reported that the Police Department had made a preliminary investigation into the matter and would continue checking into the matter.

PETITION - RESIDENTS OF RASH ROAD AND AMERICAN WAY - SEWER LINE

The City Manager presented a petition from residents of Rash Road and American Way requesting that a sewer line be installed in back of their residences.

Mayor Wood referred the petition to Mr. Edens, Water and Sewer Director, for investigation and recommendation.

PETITION - ASHEVILLE MALL MECHANTS' ASSOCIATION - TRAFFIC CONGESTION ON HIGHWAY 74

Mayor Wood presented a petition received from the Asheville Mall Merchants' Association relative to the safety problems created with the overflowing traffic congestion on Highway 74. They requested increased safety measures such as a traffic light, painted line dividers or whatever else would be necessary to assure the traffic flow and safety of the community.

Mayor Wood instructed that a copy of the petition be forward to the Planning and Zoning Commission and also to the Department of Transportation for investigation.

PROCLAMATION - CONSTITUTION WEEK - SEPTEMBER 17 - 23

Mayor Wood proclaimed the week of September 17-23 as Constitution Week in the City of Asheville.

POLICE AND FIRE DEPARTMENT - DISCUSSION ON SALARIES AND GRIEVANCES

Sgt. W. L. Dillingham, President of the local chapter of the Fraternal Order of Police, stated that he was representing the majority of the Asheville Police Department. He presented the following list of proposals and grievances requested by the majority of the Asheville Police Department:

MONEY

(1) 25% Raise immediately
(2) Cost of Living raise immediately
(3) Pension matched by the City of Asheville
(4) Longevity pay
(5) Insurance made available for the retired Police Officers
(6) Paid insurance for dependents
(7) Off duty Court pay - Minimum of 2 hours
(8) All overtime be accounted for and paid back

but both felt it would be impossible to respond or "give an answer" in the time specified by the Police Department or the Fire Department.

Mayor Wood said he hoped these individuals understood the impossibility of responding to a request of this nature in the time specified and that they would accept the proposals of Council to give their request top priority.

Adjournment.

Richard A. Wood Jr.
MAYOR

Miriam J. Holcomb
CITY CLERK

Councilman Morris commented that no one in town had a higher respect for the officers of the police and fire department than himself. He said he had received computations of the economic impact if all city employees were upgraded by twenty-five per cent (25%) and the total bill amounted to approximately $1,600,000 and there just is not that much money available. He said Council needs some time to consider what can be done and an ultimatum of tommorrow morning is unfair on the part of the Police Department. He noted that even if Council could find the money a budget amendment requires three weeks. He said he felt this request should have been presented before the budget was adopted.

Upon inquiry of Mr. Elmore relative to what time limit Council would reasonably need to respond to the firemen's request, Mayor Wood noted that a municipality in North Carolina can not appropriate money that it does not have. He said, under the State constitution, a municipality can not engage in what is called "deficit financing" that unless the City has money in hand it can not be appropriated or committed. He said the budget and tax rate was adopted in June and the City can not raise property taxes for any reason until next July. He said, in his opinion, there is no way to generate the amount needed to respond to the requests of the police and fire departments. He said for the police and fire departments alone the requested increase would amount to approximately $750,000 for a 12 month period.

Councilman Horton commented that, in his opinion, it would be impossible to respond to the request by in the morning. He said Council should not ignore the fact that all city employees were faced with a cost of living increase and he felt they should not just consider the request of the police and fire departments.

Corporation Counsel William C. Moore quoted sections of N. C. General Statutes 95-97 and 95-98 which prohibits municipal employees from joining collective bargaining unions or organizations and prohibits the City from collective bargaining or entering into a contract for such purposes.

Mr. Elmore said in his opinion the group was not appearing before Council for collective bargaining but were merely asking for help.

Councilman Morris said he wished the policemen and firemen would trust the Council to do its best to look into the details and study their requests without establishing a dead line for such. He said he felt Council would give their request top priority.

Councilman Hoyle also commented that he felt the policemen and firemen should work with the Council on their problems.

Sgt. Dillingham stated that he was sure Council was aware that the majority of the Police Department was planning a "slow down" tommorrow if Council did not give their request reasonable consideration.

Corporation Counsel William C. Moore quoted the civil service regulations on insubordination which requires suspension of those guilty or accused of the offense.

Mayor Wood said the officers should be aware of the fact than any work slow down would cause more damage to public respect of police officers than it would cause to Council. He said if it ever happened it would take a long time to restore that respect.

Don Poore, retired policeman, also appealed to Council to consider the requests made of the policemen and firemen.

Councilmen Ochsenreiter and Morris proposed to give the requests top priority

Mr. Ward and Chief Hall further reported that present departmental procedures relating to field supervision and safety matters were being reviewed and that any modifications deemed appropriate in the best interests of public safety and departmental efficiency would be made and implemented at the department level, as is proper.

At the request of Council, the City staff is already assembling and furnishing to the Council extensive information relating to the comparability of present compensation levels of all City employees with levels prevailing in other municipalities in North Carolina. In addition, in those instances where job responsibilities are similiar to those found in private business and industry, information will be gathered as to prevailing compensation policies in such industries and businesses. Moreover, this information will be supplemented by the gathering of information concerning employee fringe benefits practices.

Top priority will be given by the City staff to the assembling of all of these types of information and the furnishing of this information to Council. The Council pledges to review diligently and thoroughly all such information, as well as several proposals presently pending with reference to modifications in the Civil Service rules, including the 5-point preferential system in effect since 1969 under which city residents are given a 5-point preference on Civil Service employment and promotional examinations.

Determinations on all of these matters by the Council will require consideration of many factors, including the present and future ability of the City to meet the service demands placed upon the City within the practical limitations of funds available to meet all of those needs. Council does not feel it is appropriate or proper to make such decisions at any time when efforts have been made by any group or organization to establish ultimatums and deadlines for such decisions.

Councilman Morris moved that this report be ratified and placed in the minutes as reflecting the results of a meeting held by Council on September 16, 1975. Councilman Horton seconded the motion and it carried unanimously.

Mayor Wood then opened the floor for discussion.

John Young, Vice President of the Fraternal Order of Fire Fighters and a member of the Asheville Fire Department expressed continued interest in the requests of the Police and Fire Departments made to City Council last week.

PUBLIC HEARING - SIGN AND OUTDOOR ADVERTISING ORDINANCE

3. A public hearing was held relative to the adoption of an ordinance to be known as the City of Asheville Sign and Outdoor Advertising Ordinance.

Mayor Wood opened the public hearing at 3:12 o'clock p.m.

The City Manager read the advertised notice to the public and affidavit of publication setting the time and date for the public hearing.

Mayor Wood stated that before the City Council began its review of the ordinance, he would like to read letters supporting the proposed ordinance and have them placed in the minutes as follows:

Thursday, September 18, 1975
3:00 o'clock p.m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Bill B. Horton, Eugene C. Ochsenreiter, Jr., Henry E. Colton, Corporation Counsel William C. Moore, City Manager Ernest J. Ward, Assistant City Manager/City Clerk William F. Wolcott, Jr.

Absent: None

1. Approval of minutes of September 11, 1975 meeting.

Upon motion of Councilman Marshall, seconded by Councilman Ochsenreiter, the minutes of the September 11, 1975 meeting were approved as submitted.

POLICE AND FIRE DEPARTMENT - REPORT OF MEETING TO DISCUSS SALARIES AND GRIEVANCES

2. Mayor Wood reported that City Council met in a closed meeting Tuesday, September 16, 1975, at 2:00 o'clock p.m. to consider the request of the Police and Fire Departments regarding salaries and grievances made at the last council meeting. Mayor Wood then read the following report to the public and asked that it be entered in the minutes.

At 2:00 P.M. on September 16, 1975, the Asheville City Council met in closed session with members of the City staff and the City Attorney. This closed session was held upon the advice of the City Attorney that the subject matter of the meeting, which related to personnel and public safety matters, was properly the subject of a closed meeting of the Council under State law.

During the meeting, City Manager Ernest Ward and Police Chief J. C. Hall reported to the Council concerning various personnel matters which had been brought to the public attention of the Council at its meeting of September 11.

The Council was advised that, after recent review of policies presently in effect in other North Carolina cities, drafts were being prepared of a proposed procedure for investigation of citizen complaints relating to the conduct of City police officers. The procedure presently under consideration includes the establishment of peer and supervisory review boards within the Police Department to make recommendations concerning such investigations to the Chief of Police. The proposed procedures would, in addition, include an opportunity for representatives of the Community Relations Council to review investigative files, make recommendations concerning the scope of the investigation and make any further recommendations to the Chief of Police which might be deemed appropriate. Under the proposed procedure, the recommendations from each of these reviewing groups would be utilized by the Chief of Police in making his determination as to the appropriateness of any disciplinary action. As currently provided under the Civil Service laws, all determinations by the Chief of Police are subject to review by the Civil Service Board, the City Council and further judicial process.

Mr. Ward advised the Council that suggestions relating to the furnishing of leather gear (i.e., belts and holsters) to employees of the Police Department in the future and modifications in the present policies relating to clothing allowances could be accommodated within the 1975-76 budget already adopted and in effect.

John Stevens, Lums, thinks ordinance should allow for existing nonconforming uses. He also stated that something should be done about widening Tunnel Road and then do something about signs.

Samuel Bingham, 394 Vanderbilt Road, read a letter supporting the ordinance. He stated that he thought sign companies should pay for having a captive audience.

Mrs. Samuel Bingham, French Broad River Garden Club, stated that the Club was excited that something was being done on such a large scale to beautify Asheville. They approve ordinance as it is now written.

Jack Kiser, 111 Bear Creek Lane, believes it is a tough ordinance, but we have some tough problems to solve. He stated that the city especially needs control against portable signs that are blinding and confusing.

Joe Bell, 87 Woodlawn Avenue, supports adoption of sign control. Feels that tourists will seek us out even with smaller signs.

Mrs. Peggy Shook, 170 Kimberly Avenue, supports adoption of the ordinance as it is now written. She does not think we should be dictated to by franchises.

Mrs. Norma Price, 26 Zepher Drive, supports adoption of the ordinance. She cited places such as Williamsburg, Virginia, where signs conform to the setting.

Randall Thomson, private citizen, believes it to be a valuable document which would control, size and location of signs.

Albert Sneed, Attorney for Summey Sign Company, stated that 99.9% of property owners are protected under the grandfather clause of the existing zoning ordinance. Only four or five property owners who have existing nonconforming uses, junk yards and the race track, are not protected. The proposed sign ordinance would not give the sign companies the protection of the grandfather clause. He further said that if the ordinance was passed, the total number of signs on Tunnel Road would not decrease that much. The tendency would be to build a larger sign because of the set back. He said that the Zoning Ordinance passed in March covers signs. It is not being enforced. There are signs with only half a face of them that are left standing.

David Quinn, 38 Imperial Court, supports the ordinance and feels that the signs should conform to the area and not vice versa.

Jim Ellis, Executive Vice President of Asheville Area Chamber of Commerce, stated that he would like to clarify the Chambers involvement. He said they were in favor and have appointed a task force to study the ordinance. It has met three times and Mr. Emrick has met with it each time. Their concern is businesses that would have nonconforming signs, i.e., the Northwestern Bank which would have to lower its sign. We feel the ordinance is complicated and needs closer study.

Daryl Unruh, Pizza Huts, stated that he was for beautification. He said they had tried to meet the codes. Two months ago they erected a new sign on Patton Avenue. Under the proposed code, it would be nonconforming and would have to come down to such a level that it could not be seen for the hill. They feel the logo on the Pizza Huts is a part of the buildings and has met the State Building Code.

Mr. William Moore reported that he and Mr. Emrick had requested the outdoor advertising people to provide certain information in regard to determining a fair and reasonable period of amortizing billboards (location, term of lease, etc.) in

Listed below is a list of letters received in support of the proposed Sign and Outdoor Advertising Ordinance:

Quality '76 Board of Directors
The League of Women Voters of Asheville-Buncombe County
Asheville Council of Architects
Mountain Laurel Garden Club
The Asheville Council of Garden Clubs
Asheville Women's Civic Club
Grove Park - Sunset Summit Association

All correspondence relating to this proposed ordinance can be found on file in the Office of the City Clerk.

Herbert Hyde, Attorney, representing Lamar Dean Advertising Company, submitted suggested changes which were not used. He has submitted at Corporation Counsel's request a list of their signs and their cost. They have no objection to the set back requirements, but he had the following suggestions:

a) Height - In respect to height, measure from bottom of sign 25' from road to which it is oriented;

b) Spacing - Base only in one direction which sign is visible;

c) Size - Permit standard national size sign of 672 square feet; and

d) Adopt "grandfather clause" into ordinance and let sign live out its useful life.

Discussion indicated that the life of a sign is 15-20 years, but it is a custom to lease space for only 3 to 5 years at a time.

James Daniels, Vice President of Asheville Chamber of Commerce, reported that he was a member of a task force which had held three meetings and studied the ordinance very closely. They support the ordinance, but feel it is too strict. They request two additional weeks to study and make recommendations.

Bill Morris, Attorney, representing Holiday Inns, stated that the ordinance would make all Holiday Inn signs here nonconforming due to their size. He asked that consideration be given to permitting them as an existing nonconforming use or permitting advertising for lodging, etc. for visitors to the area.

Mayor Wood then opened the floor to others who wished to speak.

Bill Fass, Kentucky Fried Chicken and Iron Gate Restaurants, stated that he had just remodeled his Kentucky Fried Chicken buildings to conform with the national franchise and if the roofs are considered a sign, they will all be nonconforming.

Ms. Robin Daniel, League of Women Voters, urged adoption of the ordinance as it is now drafted.

Lloyd Kirk, Forest Manor Motor Lodge, Hendersonville Road, urged City Council to go back to sign control in present Zoning Ordinance and strengthen it. He feels the proposed document is too lengthy, detailed and confusing, and that existing businesses would be penalized.

Parcel	Established Price	Amount of Bid
42	$ 1,613.00	$ 1,650.00
43	1,609.00	1,650.00
67	1,349.00	1,400.00
88	25,000.00	25,000.00

Mr. Milton A. Shuford and H. T. Atkins are bidders on Parcels 42, 43 & 67. Mr. and Mrs. Sherman D. Logan are bidders on Parcel 88.

Councilman Morris moved approval of the sales.

Councilman Hoyle seconded the motion and it carried unanimously.

CLAIM - Attorney BRUCE ELMORE FOR LEONARD M. PEGG

The City Manager read a letter dated September 16, 1975 from Bruce A. Elmore, Attorney, filing a claim for Leonard M. Pegg who incurred an injury on July 22, 1975 when a Sanitation Department truck backed into him.

Mayor Wood referred the claim to Corporation Counsel William Moore.

YOUTH OUTREACH PROGRAM - Y. M. C. A.

The City Manager read a letter of thanks from the Y,M.C.A. dated September 15, 1975. Mayor Wood requested that it be placed in the minutes as follows:

THE YOUNG MEN'S CHRISTIAN ASSOCIATION
of Metropolitan Asheville
and Buncombe County, Inc.

CHARLES F. WRIGHT-President
GEORGE M. TISDALE-Vice President

CLIFFORD EDINGTON-Secretary
FRED PEARLMAN-Treasurer

30 WOODFIN STREET • ASHEVILLE, N. C. 28801 • PHONE 252-4726

September 15, 1975

The Honorable Richard A. Wood, Jr.
202 City Hall
70 Court Plaza
Asheville, NC 28807

Dear Mayor Wood:

This letter is to express the appreciation of the Y.M.C.A. for the excellent co-operation of the number of city departments making possible the "youth outreach" program of the Y.M.C.A. this summer.

order that we might draft an amended section on amortization that ties more closely with the depreciable life of a sign. He said the present amortization section is not likely to be the one that will be adopted. He said he would make information available to all parties.

Councilman Morris moved that the public hearing be adjourned until two weeks from today (September 18, 1975) without further advertising. Councilman Ochsenreiter seconded the motion and it carried unanimously.

ORDINANCE NO. 855 - AN ORDINANCE AMENDING ORDINANCE NO. 322, KNOWN AS "AN ORDINANCE PROVIDING FOR THE ZONING OF THE CITY OF ASHEVILLE," AS AMENDED (Ward 8, Sheet 31, Lot 22 & 118)

4. Third reading of Ordinance No. 855, an ordinance amending Ordinance No. 322, known as "An Ordinance providing for the zoning of the City of Asheville," as amended.

Mayor Wood advised that members of Council had previously been furnished with copies of the ordinance and it would not be re-read in its entirety unless there was a specific request to do so.

Mayor Wood advised that the ordinance had been amended on its second reading to include Lot 118. He then asked the status of the triangular lot (Lot #154). Mr. Wolcott advised that he had attempted to notify the property owners that City Council would consider adding this lot to the proposed rezoning request and the letter had been returned and could not be delivered.

On a roll call vote of 6-0, Ordinance No. 855, as amended, passed on its third and final reading.

Complete text of Ordinance No. 855 will be found in Ordinance Book No. 6 at Page 310.

RESOLUTION NO. 75-114 - RESOLUTION AUTHORIZING THE PURCHASE OF A TRACT IN THE BEAVERDAM VALLEY FOR FUTURE RESERVOIR SITE

5. Consideration was given to a resolution authorizing the purchase of a tract in the Beaverdam Valley for future reservoir site.

The City Manager read the resolution.

Mayor Wood noted that property owners were aware that they would not be served until everyone is.

Upon motion of Vice Mayor Marshall, seconded by Councilman Colton, Resolution No. 75-114 was unanimously adopted.

Complete text of Resolution No. 75-114 will be found in Resolution Book No. 8 at Page 169.

SALE OF RESIDENTIAL LOTS - EAST RIVERSIDE URBAN RENEWAL PROJECT N. C. R-48

6. The City Manager read a letter from Lawrence D. Holt, Director of Field Services for the Asheville Housing Authority dated September 15, 1975, requesting approval to sell the following property:

1. The fee paid for the performance bond was included in the original contract and was purchased by Ranger Construction Company and furnished to the City of Asheville, as required under the contract. As is customary, the performance bond is in any amount sufficient to complete the project, even though the cost of the project might exceed the original contract amount. No penalties are to be assessed by the architect until the project is completed. The completion date of the arena was to be November 15, 1974 and on the auditorium the set date was to be January 1, 1975.

2. The fee paid by the City of Asheville for architectural services was 5.5% of the construction cost and 99% of this fee has been paid.

3. In answer to the question posed in Paragraph 3 of your letter I would refer you to the contract terms and conditions of the agreement between the architect and owner, Article 1.1.14 which reads as follows: "The architect shall make periodic visits to the site to familarize himself generally with the progress and quality of the work and to determine in general if the work is proceeding in accordance with the contract documents. On the basis of his on site observations as an architect, he shall endeavor to guard the owner against defects and deficiencies in the work of the contractor. The architect shall not be required to make exhaustive or continuous on site inspections to check the quality or quanity of the work. The architect shall not be responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the work, and he shall not be responsible for the contractors failure to carry out the work in accordance with the contract documents."

4. A. At the present time we have been advised by the architect that he cannot as of this date give a percentage of completion of the punch list.

   B. In order to ascertain the projected correction date for the remainder of the punch list contact would have to be made with the contractor since the contractor is responsible for scheduling of work.

   C. The punch list for the exterior construction is now being prepared and any time span projection must be obtained from the contractor.

   D. 1. Since the contractor is in charge of scheduling any information regarding the punch list stage of completion must be obtained from Ranger Construction Company.

furnished us with equipment and manpower where needed, and Bill Eaton gave us every co-operation. Basically, the program involved recreation and instruction with the highlight of a "water sprinkler" connected to the fire plug for the enjoyment of the youth in Deaverview, Kirkwood, Hillcrest, Bingham Heights, Lee Walker Heights, Mountainside Area and Klondike. We hit each of these places once and sometimes twice weekly during the summer with a total attendance exceeding 7,000 and reaching approximately 1,000 different youth. The program apparently met a real need particularly for those youth that are "land-locked" to an apartment complex because of age and lack of transportation.

There would have been no possible way that our Market Street Executive, Jesse Adams, could have conducted this program without the complete co-operation of the city.

Thank you for making it possible for us to be of service to this community.

With Kindest Personal Regards--

Sincerely,

William B. Fesperman
Executive Director

WBF/mf

CHARLES HINES
Metro Aquatic Director

WILLIAM B. FESPERMAN
GENERAL DIRECTOR

THOMAS L. THRAILKILL
Metro Physical Coordinator

CIVIC CENTER CONSTRUCTION - DISCUSSION WITH LABOR UNION REPRESENTATIVES

Corporation Counsel William C. Moore reported that at the September 11, 1975 Council meeting a request was presented by W. D. Fox, President of the Building and Construction Trades Council for responses to several questions regarding the construction of the Asheville Civic Center. He said as a result, he had responded to the questions, by letter addressed to Mr. Fox and dated September 16, 1975.

Mayor Wood instructed that Mr. Moore's response be made a part of the minutes. Mr. Moore's response is as follows:

Mr. W. Don Fox, President
Asheville Building and Construction
Trades Council
11 South French Broad Avenue
Asheville, North Carolina 28801

Dear Mr. Fox:

In that certain correspondence hand delivered to the Asheville City Council the September 11, 1975 meeting certain questions were directed to the Council. I will attempt to answer these questions in the order presented in the above referred to correspondence.

Jim Gray, of the Advocate/Native Stone, stated in his opinion the response was not an answer to the questions directed by Mr. Fox and that he had recommended to Mr. Fox that the response not be deemed acceptable and that he should forward another request for more specific answers to his questions.

Mr. Gray also pointed out that the 96-page "punch list" made available to Mr. Fox covered only the interior of the building and excluded the subcontractors. He requested that a copy of the "punch list" made for M. B. Haynes Electrical Company and Moser Plumbing and and Heating Company be made available.

Corporation Counsel William C. Moore told Mr. Gray that copies of the "punch list" for the subcontractors would be on file in the Office of the City Clerk for public inspection.

Mr. W. D. Fox, President of the Building and Construction Trades Council, commented that after reviewing the 96 page "punch list" he had found many items listed and repeated statements of "workmanship unsatisfactory". He said, in his opinion, the Civic Center is being built by people that are being picked up off the street and questioned whether they had any skilled craftsmen working on the job. He said the mistakes made by the contractor should have been corrected at the beginning of the job, rather than at the end when the finished areas will have to be torn off in order to repair or replace the unfinished areas.

Mr. Fox reviewed excerpts of the "punch list" stating that he sincerely doubted whether the general contractor would finish the job complete. He said the contractor would probably declare the center complete soon and the City would have a choice of accepting a poorly constructed building or forcing the contractor to do a great deal of the work over again.

Mr. Fox urged Council to use "skilled laborers" on future construction projects. He said young craftsmen in this area are being forced to go out of the state to find acceptable wages.

Mayor Wood commented that his main concern was that the "punch list" shows that the architect is not and has not accepted substandard work on the building.

Adjournment.

Richard D. Wood
MAYOR

Miriam F. Stevenson
CITY CLERK

2. The prime contractors of the job for which punch lists will be prepared include M. B. Haynes Company and Moser Plumbing Company.

3. Punch lists have been prepared for Moser, Haynes and Ranger and were provided to the City on May 23, 1975. In order to determine punch list stage in completion it will be necessary for you to contact the contractor in order to obtain this information.

5. A. The architect is not the person having custody of public records but said records would be in the custody of the City administration.

B. I cannot answer by what authority the architect refused access to the punch lists and that matter would have to be taken up directly with him.

C. Any documents which are determined to be "public records" will be made available for review to any member of the public.

6. A. Scheduling is exclusively in the control of the contractor, however, weekly meetings have been held every week since September 1974 to discuss expediting the completion of all portions of the contract.

B. Here again, any date projected as a target date for completion must be obtained from the contractor.

C. In answer to Question 6C it will be necessary for you again to contact the contractor in order to determine whether or not any occupancy dates can or cannot be set.

D. To my knowledge Ranger does not have any contract with the agencies you have specified and neither does the City of Asheville.

7. You have been provided with a Ranger punch list and since you have the entire list, any summary that will be made can be made by you.

If you have any further questions regarding this matter please do not hesitate to contact me.

Very truly yours,

William C. Moore

William C. Moore
Corporation Counsel

WCM/rs

We are sending this letter concerning
street in the back of the Church and
we want this street Closed, please.
Done in Order by the Church
Rev. H. L. Smith Pastor
Jay N. Johnson Chairman of Deacons Board.
Pauline Church Clerk
Yours in Christ

Mayor Wood asked if there was any opposition to the closing of these streets or if any one would be deprived of ingress or egress. No one spoke in opposition.

Mayor Wood closed the public hearing at 3:10 o'clock p.m.

The City Manager read the prepared resolution.

Upon motion of Councilman Morris, seconded by Councilman Horton, Resolution No. 75-115 was unanimously adopted.

Complete text of Resolution No. 75-115 will be found in Resolution Book 8 at Page 170.

PUBLIC HEARING - AMEND ASHEVILLE ZONING ORDINANCE #322, AS AMENDED, BY EXTENDING THE CITY OF ASHEVILLE'S EXTRA TERRITORIAL ZONING JURISDICTION INTO THE TOWN OF BILTMORE FOREST'S JURISDICTION

3. Mayor Wood reported that the Planning Division has requested that the public hearing be postponed.

Acting Corporation Counsel Robinson said that the published notice did not contain certain lots in the area to be zoned.

Robert McDonald of the Planning Division said that they had found that three lots were omitted, plus the Planning staff has suggestions for deleting some lots. McDonald reported that he had contacted Biltmore Forest officials and they have suggested that a new agreement be prepared and they will be happy to sign it.

Mayor Wood said that City Council would wait until the new agreement is received and then readvertise the public hearing.

RESOLUTION NO. 75-116 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE EASEMENT IN FAVOR OF THE CAROLINA POWER AND LIGHT COMPANY

Consideration was given to a resolution authorizing the Mayor to execute an easement with Carolina Power and Light Company for the purpose of installing a power line.

The City Manager read the resolution. He noted that this was for underground wiring at the new parking garage at the corner of Rankin Avenue and Walnut Street.

Thursday, September 25, 1975
3:00 o'clock p.m.

Regular Meeting

Present: Mayor Richard A. Wood, Jr., Presiding; Vice-Mayor Calvin W. Marshall, Councilmen Ralph D. Morris, Jr., J. W. Hoyle, Bill B. Horton, Eugene C. Ochsenreiter, Jr., Henry E. Colton, Acting Corporation Counsel Robert J. Robinson and Mrs. Ruth Summey served as Acting City Clerk in the absence of William F. Wolcott, Jr.

Absent: Corporation Counsel William C. Moore and City Clerk William F. Wolcott, Jr.

1. Approval of minutes of September 18, 1975.

Upon motion of Councilman Morris, seconded by Councilman Ochsenreiter, the minutes of the September 18, 1975 meeting were approved as submitted.

PUBLIC HEARING - CLOSING OF CERTAIN STREETS IN EAST RIVERSIDE URBAN RENEWAL AREA - RESOLUTION NO. 75-115 - RESOLUTION CLOSING CERTAIN STREETS IN EAST RIVERSIDE URBAN RENEWAL AREA

2. A public hearing was held relative to the closing of a portion of Water Street, and all of Black Street, Gervais Street, "Greens Row" and an unnamed alley located in the East Riverside Urban Renewal Area.

Mayor Wood opened the public hearing at 3:05 o'clock p.m.

The City Manager read Resolution 75-108 which describes these streets and the City Council's intent to hold a public hearing to permanently close these streets.

The City Manager then read the Affidavit of Publication and reported that he had received an affidavit from Mr. Lawrence Holt stating that the proper notices were placed in accordance with the provisions of the resolution.

Mr. Lawrence Holt, Director of Field Services for the Asheville Housing Authority, reported that the Authority owned all but one lot. It is owned by the New Bethel Missionary Baptist Church and they have submitted a letter concurring in the closing of the street behind their church. Mayor Wood requested that the letter be placed in the minutes as follows:

MINISTER
REV. A. L. SMITH
PHONE 253-6251

NEW BETHEL MISSIONARY
BAPTIST CHURCH
508 SO. FRENCH BROAD AVE.
ASHEVILLE, N. C. 28801

Mr Holt. Council Committee:
The New Bethel Missionary Baptist
at 508 South French Broad Ave.

[redacted] Abstract of Votes, Cast at Primary Election For Cit[redacted]lmen, City of Asheville, September 23, 1975 [redacted]

Precinct	NANCY E. ARTHUR (Dem.)	MATTHEW BACKUS, JR. (Dem.)	E. B. BACOT, JR. (Dem.)	HAROLD BASS (Dem.)	MARTIN D. CHAMBERS (Dem.)	HUGH C. CHEARHAN (Dem.)	JOSEPH W. DAVIS (Dem.)	ANNIE S. ELLIS (Dem.)	LEWIS EDWARD (ED) FRANKLIN (Dem.)	CHARLES D. FROST (Dem.)	LACY T. HAITH (Dem.)	BILL B. HORTON (Dem.)	J. W. (RED) HOYLE (Dem.)	JESSE A. JAYNE (Dem.)	CARL E. JOHNSON (Dem.)	CALVIN W. MARSHALL (Dem.)	JOSEPH B. (JOE) MORRIS (Dem.)	RALPH D. MORRIS, JR. (Dem.)	EUGENE C. OCHSENBEIN, JR. (Dem.)	RUSSELL E. (Former Dem.) OFFNAUS (Dem.)	THOMAS C. (TOM) POSEY (Dem.)	CHRISTINE PROFFIS (Dem.)	GENE RAMSEY (Dem.)	LEROY RAY (Dem.)	DR. L. BEEZE (Dem.)	JO ANN H. SWILLING (Dem.)	CALVIN C. WILSON (Dem.)	ZAFFARY (ZAFF) WINSTON (Dem.)
Absentee	10	10	9	9	10	3	3	1	2	3	6	18	28	7	3	31	6	28	31	21	16	12	21	15	2	7	3	5
1	15	60	17	69	61	9	15	7	1	3	56	26	48	22	61	11	48	33	64	43	7	14	30	12	3	10	28	8
2	24	216	62	167	210	20	22	5	4	38	156	97	126	62	188	86	24	88	115	122	60	43	147	67	9	53	121	46
3	46	95	76	64	66	41	36	15	10	46	64	118	160	79	38	87	40	117	142	131	96	36	90	74	10	89	32	64
4	85	97	181	26	51	44	31	8	7	117	51	273	369	154	18	225	63	319	401	238	229	73	191	121	14	94	41	115
5	76	124	171	9	63	29	32	15	10	118	40	279	378	136	12	261	44	345	428	183	232	79	247	117	10	153	36	137
6	96	105	222	79	49	91	66	28	17	97	66	305	394	191	28	241	49	305	376	258	230	83	252	163	16	214	30	137
7	45	75	92	54	81	25	50	9	3	24	62	115	180	74	32	114	41	138	160	99	125	37	74	64	7	85	39	51
8	38	82	42	89	94	21	20	10	9	25	74	72	104	44	52	56	31	61	90	71	54	32	83	53	56	49	65	38
9	36	32	47	16	20	21	39	15	12	32	33	85	114	68	8	74	31	64	93	88	45	21	61	56	7	69	21	42
10	12	129	10	140	117	6	4	0	0	6	124	8	20	3	116	9	4	6	21	16	10	2	16	8	1	5	88	4
11	11	86	25	96	66	9	9	5	0	11	63	36	40	13	72	17	8	27	41	35	15	12	23	20	1	8	29	12
12	18	13	23	16	6	19	16	7	17	17	11	61	103	56	10	94	17	48	83	66	41	9	36	64	6	49	6	40
13	20	24	36	13	15	15	14	18	10	20	20	109	120	51	5	119	19	62	88	68	48	17	51	70	7	59	8	30
14	20	43	33	39	42	22	13	3	10	19	27	91	108	72	21	101	23	50	83	74	38	32	46	83	3	61	18	44
15	72	66	103	31	25	43	53	18	25	51	43	307	315	186	12	289	64	220	276	172	133	63	167	229	7	245	28	101
16	31	32	99	21	27	44	28	21	17	37	37	231	215	117	9	174	52	159	206	139	87	36	92	179	9	130	28	72
17	56	58	92	11	34	22	21	7	0	45	33	101	174	66	14	101	25	162	198	91	109	55	123	62	7	65	20	51
Totals	721	1339	1340	949	1037	484	472	192	154	719	966	2330	3006	1401	694	2090	584	2332	2894	1915	1605	656	1786	1457	174	1445	638	1000

STATE OF NORTH CAROLINA—BUNCOMBE COUNTY—PRIMARY ELECTION, CITY OF ASHEVILLE, SEPTEMBER 23, 1975

The County Board of Elections for said county, having opened, canvassed and judicially determined the original returns of the Primary Election, City of Asheville in the several precincts in this city, he'd as above stated, we do certify that the above is a true abstract hereof, and contains the number of legal votes cast in each precinct, according to the returns made to said Board, for the Primary Election.

This 25th Day of September 1975

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, this 25th day of September 1975.

Sonya E. Fredricks
(Seal)

My commission expires: June 18, 1980

J. Lawrence Penland
Charles A. Orbit
Vivian D. Scott
Buncombe County Board of Elections.

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Mayor Wood noted that a transformer pad was shown on the plan and requested Mr. Wolcott to check with Carolina Power and Light Company to be sure this would not create any problems for the new library.

Upon motion of Councilman Colton, seconded by Vice-Mayor Marshall, Resolution No. 75-116 was unanimously adopted.

Complete text of Resolution No. 75-116 will be found in Resolution Book No. 8 at Page 171.

RESOLUTION NO. 75-117 - RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF ASHEVILLE TO EXECUTE EASEMENT IN FAVOR OF THE CAROLINA POWER AND LIGHT COMPANY

Consideration was given to a resolution authorizing the Mayor to execute an easement with Carolina Power and Light Company for installing one pole and power line.

The City Manager read the resolution. He noted that this power pole and line would be located at the corner of Livingston Street and Gaston Street.

Upon motion of Councilman Morris, seconded by Councilman Hoyle, Resolution No. 75-117 was unanimously adopted.

Complete text of Resolution No. 75-117 will be found in Resolution Book 8 at Page 172.

RESOLUTION NO. 75-118 - RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE FOR THE INSTALLATION OF A 24 INCH STEEL CASING UNDER I-40 at U.S. 74

Consideration was given to a resolution authorizing the City Manager to negotiate for the installation of a 24 inch steel casing under I-40 at U.S. 74.

The City Manager read the resolution.

Upon motion of Vice-Mayor Marshall, seconded by Councilman Horton, Resolution No. 75-118 was unanimously adopted.

Complete text of Resolution No. 75-118 will be found in Resolution Book 8 at Page 173.

ABSTRACT OF VOTES - PRIMARY ELECTION FOR CITY COUNCIL

City Manager Ernest Ward submitted as a matter of information the Abstract of Votes, cast at the primary election for City Council members on September 23, 1975, which was transmitted to him from the Buncombe County Board of Elections.

Mayor requested that the abstract be placed in the minutes as follows:

See Page 406

The Buncombe County Board of Commissioners have agreed to underwrite an amount of $12,000 less any monies obtained from other sources.

On the basis of this information, the Council of the City of Asheville is requested to make available immediately the sum of $20,000 for continued operation of the Oak Street Clinic.

Very sincerely yours,

James B. Tenney

James B. Tenney, M.D., Dr.P.H., Director
Buncombe County Health Department

JBT/ld

cc Dr. George Macatee, Jr.
Mr. Ken Michalove

Enclosure

PROPOSAL FOR PRIMARY MEDICAL CARE CLINIC

The Buncombe County Health Department, with the consent of the Buncombe County Board of Commissioners and Board of Health, proposes to sponsor a primary medical care clinic now operating at the First Baptist Church under the guidance of Dr. Theodore Stevenson with funds provided by the City of Asheville.

This clinic, to be known in the future as the Oak Street Clinic, is serving some 2500 - 3000 patient visits per year, chiefly older and poorer citizens of Asheville and Buncombe County. Thereby it provides a valuable function, making medical care more easily available, relieving the hospital emergency rooms to this extent, and opening access to the medical system for many of these people.

The Buncombe County Health Department proposes to enter into a contract with the City of Asheville to act as agent to receive and disburse $20,000 of Community Development funds from the City of Asheville. The Health Department has asked the County of Buncombe to underwrite the remaining portion of a proposed budget of $32,000 not secured from other sources. These monies will afford primary medical care to patrons of the Senior Opportunity Center of Asheville, and, in so doing, will benefit other medically needy and those seeking to enter the medical system.

The Buncombe County Health Department will also act as provider, as soon as approved, to make Medicaid, Medicare and other third-party reimbursement available for support of the clinic. Administration will be made available, and the present level of supportive services of the Health Department will continue. The First Baptist Church agrees to provide space and utilities for the clinic as a community service without charge.

POLICE AND FIRE DEPARTMENT - SALARIES AND GRIEVANCES

Mr. Ward reported that at the last City Council meeting the staff, in response to the police and firemen's requests, was instructed to make a study relative to salaries, comparison with other cities, private industries, budgeting, etc. He reported that this study is continuing and the staff expects to complete it very soon.

RESOLUTION NO. 75-119 - RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE BUNCOMBE COUNTY HEALTH DEPARTMENT

Consideration was given to a resolution authorizing the Mayor to enter into an agreement with the Buncombe County Health Department.

The City Manager read the resolution.

Assistant City Manager Ken Michalove said that through the Community Development funding process, City Council had set aside money for a health care program at the Senior Opportunity Center. He said that the current minimal health care program at the First Baptist Church utilizing Model Cities funds was being phased out. He said he had met with Dr. Theodore Stevenson, Rev. Cecil Sherman and others and it was felt that if we could obtain the help of the Buncombe County Health Department, a permanent primary care program for senior citizens could be established at the First Baptist Church. Mr. Michalove then read portions of a letter from Dr. James B. Tenney, Director of the Buncombe County Health Department, indicating that the Buncombe County Board of Commissioners and Board of Health have approved the stated participation of the Health Department.

Mayor Wood requested that Dr. Tenney's letter and the attached statement be placed in the minutes as follows:

BUNCOMBE COUNTY HEALTH CENTER
P. O. Box 7607, 35 Woodfin Street
Asheville, N. C. 28807

September 24, 1975

The Honorable Richard A. Wood
Mayor, City of Asheville
City Hall Building
Asheville, North Carolina 28807

Dear Mayor Wood:

Attached is a restatement and additional information concerning the primary health care clinic about which you were written on on September 16.

The Buncombe County Board of Commissioners and Board of Health have approved the stated participation of the Health Department. Negotiations for additional funds sources have not been completed, but remain tentatively viable. These will continue to be pursued.

9-25-75

STATEMENT by Bill B. Horton:

It is with real satisfaction and some degree of pride that I note the positive action toward community well-being taken by our law enforcement personnel in their democratic expression of yesterday, and I firmly believe that this feeling is shared by the citizens of Asheville.

All along, I have been aware and sympathetic to the need for a pay adjustment for our police and fire personnel, as well as for all city employees....and it is my hope that some equitable adjustment may be found in our current budget and present property tax structure.

It is my further sincere belief that this problem can best be dealt with in a climate of good faith and mutual trust -- on both sides — and not under pressure of a deadline, which has now been made possible.

Bill B. Horton

In conference on September 17, 1975, representatives of the Buncombe County Medical Society (1), Memorial Mission Hospital (2), Mountain Area Health Education Center (3), and the Buncombe County Health Department (4), agreed that this Oak Street Clinic would be supported only through June 30, 1976. The conferees further agreed that a suitable replacement for this clinic will be developed by July 1, 1976, with the specific direction of a named member of the Buncombe County Medical Society (5), and the cooperative effort of the conferees. Continued Health Department support and sponsorship of the Oak Street Clinic is contingent on tangible and substantive evidence of this development of a working and acceptable substitute.

(1) Dr. John A. McLeod

(2) Mr. Ralph E. Jennings

(3) Dr. Henry M. S. Uhl

(4) Dr. James B. Tenney

(5) Dr. Cedric W. Porter

The Mayor noted that Councilman Ochsenreiter had to leave the meeting and asked that the minutes reflect this. He left at 3:30 o'clock p.m.

Upon motion of Councilman Horton, seconded by Councilman Hoyle, Resolution No. 75-119 was unanimously adopted.

Complete text of Resolution No. 75-119 will be found in Resolution Book 8 at Page 174.

RECOGNITION - THOMAS WOLFE 75TH ANNIVERSARY OF BIRTH

Mayor Wood noted that Asheville will celebrate the 75th Anniversary of the birth of Thomas Wolfe on October 2-5, 1975 and the Civic Arts Council of Asheville and the University of North Carolina at Asheville have scheduled special events for the occasion.

RECOGNITION - MOUNTAIN HERITAGE FAIR

Mayor Wood noted that the Western North Carolina Historical Association and the Asheville-Buncombe Technical Institute were sponsoring a Mountain Heritage Fair on Saturday, October 4, 1975. He commended the institutions responsible for these events and invited the public's participation.

STATEMENT BY COUNCILMAN HORTON - COMMENDING LAW ENFORCEMENT PERSONNEL

Councilman Horton read a prepared statement and asked that it be placed in the minutes as follows:

See text of statement on page 410

Rev. Fred D. Taylor, a representative of the Southern Christian Leadership Conference headquartered in Atlanta, Georgia, said he was here because of some complaints on police brutality which was brought to their attention. He said he had talked with the Community Relations Council, the City Manager, the Police Chief, the Personnel Director and others. He realizes that there are several sides to a matter. They feel police brutality has occurred frequently in this community and they hope City Council will have the courage and wisdom to deal with the matter. He stated the need for a citizen or independent investigation of complaints (The Community Relations Council is independent with corporation papers, but it is budgeted through the City of Asheville and the County of Buncombe). They feel a committee could consist of a representative of the ministry, legal profession, police and persons from the community representing both black and white persons. He also stated there is a need for more adequate training of police officers although our police come under the umbrella of the state training program.

Several persons spoke on this matter and emphasized need for experienced and well trained officers, the need for more black officers, better qualifications for police and that officers should know more about city and traffic regulations, laws, use of weapons, how to use judo instead of night sticks, first aid and how to better deal with people with reason, and that police officers need closer supervision.

Councilman Morris stated that the policemen recognize they they need more supervision and have listed this among their grievances before City Council now. They make thousands of arrests each year and the few that make the errors get all of the publicity. He said many of these men are young and that they are trying hard.

Mrs. Thelma Reid said that she was the lady whose girl was abused and that she had seen what happened to her son and daughter. She felt undue force was used in the arrest of her son and that also, she felt she should have been allowed to accompany him to jail. She believes her rights and her children's rights were taken. She stated that she was glad it was going to court to see that justice is done.

Rev. Taylor stated that the report from the Community Relations Council made specific recommendations regarding the Police Department and he wondered what action had been taken. Mayor Wood answered that the City Council had received the report. He said that the City Manager, Chief Hall and police officials were looking into these recommendations as well as the recommendations from the policement themselves. He said he thought they were making progress and would be upgrading the training.

Robert L. Jenkins spoke and stated that he was a victim of police brutality eight years ago and still has the scars from the wounds and that justice was never done in his case.

Carl Johnson emphasized a need for psychological screening for new policemen.

Adjournment

Richard D. Wood
Mayor

Marian S. Holcombe
City Clerk

GRIEVANCES ON POLICE BRUTALITY

Mr. James Smith distributed literature to those present and then read a prepared statement. Mayor Wood asked that the statement be placed in the minutes as follows:

POLICE BRUTALITY

We the concerned citizens of Asheville and Buncombe County had a meeting on the 24th day of September 1975. The purpose of this meeting was to express the grievences of the community people on Police Brutality and bring about some possible solutions to this problem. A problem which has plagued our community for many years.

We the poeple of Asheville,North Carolina and of Buncombe County..... we as a people want to see something done about this problem. For we feel that the complaints have either fallen upon deaf ears OR dismissed as untruth.

We will no longer tolerate the duel injustice system.

Since we are in the midst of the Campaign Season we feel that this is the time to submit our demands to this body.

All of the cases that have been discussed where Police Brutality has taken place... the so call CRIMES have only been misdemeanors for example: public drunkedness, shoplifting, property damage and other minor offenses. We do not condone any wrong doing; we are simply saying that the victims were innocent of any presentation of threat to the officers . NO THREAT such as a weapon that would endanger the lives of these officers.

One who has been encased by native action might ask" Why would the police department wish to eliminate a man who volunteered for such an obviously dangerous job? POWER, my friend ! Power is the simple fact that this man will be armed for good or evil. He now has a license to take another man's life, deprive a man of liberty, arbitrate civil disputes, guide or hinder, preserve tranquility, and seek and give justice. Perhaps in seeking and giving justice, no other agent is called upon more. In absolute terms he can make the dicision to perserve or take life.

It is time for a change. Society has changed, but police departments have stood still in the midst of these changes. Police departments, out of necessity, must be made aware of the shifting of power. No longer must the Power rest in the hands of a few, but rather in the hands of the community, THE PEOPLE. Police departments must now become sensitive to this shifting of power and realize that they must become agents and representatives. Community representatives as opposed to their old allegiance to the few that control wealth. Police departments must also depart from the concept that puts a high stress on property value at the expense of human lives. It is our duty to fight for our freedom .. It is our duty to win! We must love each other and support each other. We have nothing to lose but our CHAINS!

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Pgs. Not Cons.